

## Evaluation of the 2011 European Judicial Training Strategy

### Final Report



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# Executive summary

The creation of European judicial culture is viewed as a prerequisite for enabling a European judicial area<sup>1</sup>. Hence, European judicial training has been declared a priority in the Stockholm Programme Action Plan<sup>2</sup> and the 2010 EU Citizenship Report<sup>3</sup>. Still in 2010, the Commission launched a broad consultation of all EU-level stakeholders in order to define core activities and priorities, which were used as the basis to design a coherent and integrated strategy on judicial training. As a result, the Commission published its 2011 Communication "Building trust in EU wide justice - A new dimension to European judicial training"<sup>4</sup> (hereinafter: the Strategy) setting specific objectives for the training of justice professionals by 2020, and helping to ensure that EU legislation is correctly understood and applied throughout the EU.

The Strategy aims to enable a European judicial area, by ensuring that **legal practitioners become competent in the implementation of EU legislation** and that **mutual trust between legal practitioners is created**, which helps guarantee that the rights of citizens and business are upheld in a clear and consistent way. For this purpose, the European Commission called on national governments, councils for the judiciary, professionals bodies and judicial training institutions (both at the EU and national level) to integrate EU law into their training programme and to increase the number of courses and participants. In specific terms, the Strategy sets the following **quantitative targets**:

- Train more than 20 000 legal practitioners supported by EU financing per year by 2020;
- Half of all legal practitioners (700 000) taking part in at least one European judicial training session or exchange by 2020;
- Ensuring that all legal practitioners benefit from at least one week of training in EU law during their career.

The Strategy considers judges and prosecutors as the main target groups, as they are the ones in charge of the enforcement and respect of EU law. Nevertheless, the Strategy also highlights the importance of judicial training for other legal practitioners, such as court staff, lawyers, solicitors, bailiffs, notaries, mediators, prison management and staff and probation officers, and their trainers.

With the current Strategy set to expire in 2020 and the positive evolution on the number of legal practitioners trained on EU law, this study aims to assess the overall functioning of the 2011 Strategy in relation to its original objectives and new needs that may have emerged during or because of its implementation.

This report presents the impacts of Strategy in terms of effectiveness, efficiency, coherence, EU added value, sustainability, and relevance. It draws on a series of data sources: desk research, strategic interviews, open public consultation and targeted consultation, interviews at national level, validation workshop. Building on the findings under each criteria, the report provides conclusions and recommendations for the next Strategy.

*This executive summary presents the main key findings under each criteria (i.e. effectiveness, efficiency, coherence, EU added value, sustainability, and relevance), followed by the main recommendations for the future Strategy on judicial training.*

<sup>1</sup> European Parliament resolution of 17 June 2010 on judicial training, 2012/2575, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-79> and The Stockholm Programme - An open and secure Europe serving and protecting citizens. OJEU (2010/C115/01), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2010:115:FULL&from=EN>

<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan Implementing the Stockholm Programme, COM(2010)171, <https://www.easo.europa.eu/sites/default/files/public/action-plan-EN.pdf>

<sup>3</sup> European Commission, EU citizenship report 2010: Dismantling the obstacles to EU citizens' rights, COM(2010)603, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0603:FIN:EN:PDF>

<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Building Trust in EU-wide Justice - A new dimension to European judicial training, COM(2011)551, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=EN>



## Key findings

This section provides an overview of the extent to which the requirements of the six evaluation criteria of the Better Regulation Guidelines (Effectiveness, Efficiency, Coherence, EU Added Value, Sustainability, Relevance) have been met by the Strategy.

### Effectiveness

The Effectiveness criterion measures the extent to which the Strategy succeeded in reaching its initial objectives. To this end, the analysis under this criterion is based in part on the comparison between the baseline and the current situation described above. Overall, this report found that the implementation of the Strategy has resulted in some **clear improvements concerning judicial training on EU law**.

Annual data illustrates an ever-increasing growth in the number of training activities and beneficiaries of training activities across all target groups. Concerning the former, the number of continuous training activities has increased from 1 741(2011 data) to 3 743 (2017 data). As for the latter, over the 7 years, all legal practitioners, with the notable exception of court staff, have reached the annual 5% target of trained practitioners per profession, which is required so that the objective of training 50% of the legal practitioners over the 10 years is reached. The Strategy has indeed met its objective of training half (i.e. 700 000) of all legal practitioners in the EU, as more than 750 000 legal practitioners have already been trained.

Although some external factors may also be at play, the Strategy has contributed to increasing knowledge on EU law while reinforcing mutual trust between legal practitioners. The main activity of the Strategy felt by stakeholders however is undoubtedly the support provided through funding. Other activities of the Commission, such as annual conferences, networking events, promotion of materials on the European e-Justice Portal are generally appreciated by stakeholders but are not as well known or perceived to have such a high impact as the funding.

At the same time, the achievement of the Strategy's objectives is limited by some obstacles: still, the lack of understanding of the relevance of EU law among some legal practitioners, the perception of the time invested in training as a loss, legal practitioners' language barriers and limited awareness of the European e-Justice Portal, amongst others.

### Efficiency

The assessment of efficiency considers the relationship between the resources used by an intervention and the achievements and related benefits of the intervention.

Based on limited, mostly opinion-based information, the **effects of the Strategy are overall viewed as having been achieved at a relatively reasonable cost**. However, due to a lack of hard quantitative data, this conclusion could not be confirmed through analytical findings.

As concerns the costs of the Strategy, a distinction should be made between costs that are a *direct result* of the Strategy and costs related to the funding programmes that *support* the Strategy.

The **direct costs** refer, at the EU level, to those costs related to the governance of the Strategy. The costs amounted to EUR 2 million over the period 2011 to 2017 for DG JUST. At national level, Member States also incurred into direct costs to implement the Strategy, e.g. for developing national strategies in line with the EJTS, or for coordination activities, which varied depending on the country and the nature of the measures put in place.

In addition to these direct costs, costs were also incurred in relation to the **funding programmes supporting the implementation of the Strategy**. Overall, it was found that around EUR 160 million were allocated to training of legal practitioners from 2011 to 2017 under the Justice Programme, REC, Erasmus+ (Jean Monnet), the LIFE Programme and Hercule III. The overall increase in funding over this time for the programmes for which information was available amounted to around EUR 13 million, corresponding to an increase of 88.8%. While the funding under these programmes was EUR 14 million in 2011, it had increased to EUR 27 million by 2017. According to verbal information from the Commission, DG JUST, the increase was in all cases triggered by the adoption of the Strategy.

**Key benefits** achieved in relation to the objectives of the Strategy include an increased number of training activities on EU law, training 830 000 legal practitioners across the EU, more wide-spread use of e-learning, increased recognition of training activities in other EU Member States, and improvement of the capacity of training providers. All these aspects have contributed to increasing the quality of judicial training in the EU, enhancing legal practitioners' knowledge of EU law. The Strategy has also had a positive influence in terms of increasing mutual trust by implementing cross-border activities where legal practitioners (especially judges and prosecutors) build personal relationships and get informed about how other Member States implement EU law in their national systems.

Despite the noted data limitations, it is clear that the **inputs in the form of governance and funding have constituted an important asset supporting the provision of training by stakeholders**. Based on opinion-based information from the stakeholder consultations, the costs associated with the implementation of the Strategy were stated to **overall be considered to be proportionate and justified** in view of the benefits achieved during the time-period covered by the present evaluation, notably in terms of the number of legal practitioners trained.

Overall, with regard to the analysis of the costs and benefits of the implementation of the Strategy by different stakeholder groups, based on the views expressed, the cost-benefit ratio seems to be overall proportionate for all stakeholder groups.

### Coherence

The study assesses the coherence of the Strategy, both internally and externally. For internal coherence, we analysed the consistency of its different provisions as well as how the various components of the Strategy operate together to achieve its objectives. To assess external coherence, we looked into how well the Strategy operates with other legal instruments (i.e. with other related EU interventions; national judicial training policies; as well as relevant external factors).

Overall, we concluded that the Strategy is **internally coherent** to a great extent, with no major inconsistencies.

As far as its **external coherence** is concerned, the Strategy fits well with other EU instruments relevant in the area of freedom, security and justice, and in particular, in the field of judicial training, such as the Stockholm Programme and its Implementation Action, the Monti Report, the Europe 2020 Strategy, and the EU citizenship report 2010.

The coherence of the Strategy has also been assessed in comparison with other learning strategies (i.e. the 2012-2016 EU Strategy towards the Eradication of Trafficking in Human beings, the 2012 Dublin Strategy, and the 2013 Law Enforcement Training Scheme). Our study found that, whilst similarities and differences exist between the four strategies as regards their objectives, governance structure, monitoring and evaluation procedures, type of training activities, and their reliance on EU funding, **the scopes of the Strategies are overall consistent with one another**. We found only minor and well-justified overlaps: for example, both the Eradication of Trafficking in Human beings Strategy and the EJTS both target professionals of the judiciary (judges and prosecutors).

Lastly, it was found that the EJTS is coherent with **training policies of Member States**, and that it actually complements them. Indeed, the Strategy fully respects national training policies already in place, has not established any EU-wide mandatory requirements concerning training on EU law, and, instead, heavily relies on the existing national structures and networks in the area of judicial training.

### EU Added Value

The EU added value test is performed on the basis of the effectiveness and efficiency evaluation criteria. This study assesses the benefits brought by the Strategy, and explains to what extent the positive effects could not have been achieved at national level.

It can be concluded that **the Strategy clearly brings EU added to a good extent**. The Strategy raised in a first place EU-wide awareness on the importance to address the existing needs of legal

practitioners in terms of judicial training on EU law. Moreover, the Strategy also illustrates the commitment of the Commission to improve the EU approach towards judicial training on EU law. The Strategy, together with the political interest triggered, have enabled the allocation of EU funds for judicial training on EU law.

The Strategy, and the supporting EU funds, have enabled the organisation of an increasing number of training activities, reaching a broad target audience. Without them, EU-level and national training providers could not have organised all their training activities, nor reaching as much as legal practitioners. This is especially relevant for the exchange programmes, which are highly appreciated by participants, but could not have been possibly organised by the Member States without the EU action and support.

The Strategy offered **EU-level networks and training providers**, such as CCBE, CNUE, ERA, EIPA, and others, a framework to coordinate their efforts to promote and spread training on EU law, and allowed them to work towards common goals in judicial training. These organisations are crucial to the Strategy's implementation, because they are not only delivering training activities, but are creating and supporting the network of their members (e.g. via annual gatherings, dissemination of good practices, support to preparation of proposals).

The Strategy has also enabled the development of training methodology guidelines and training materials. These were shared and advertised the e-Justice Portal to support the implementation of the Strategy. However, it was found that the actual added value of the training materials is however relatively limited as training providers only use them to a rather small extent (national training providers develop their own training materials and do not reuse the ones uploaded in the portal).

It was found that the added value of the Strategy for some stakeholders was still limited, and thus hampering the full potential that it could achieve.

### Sustainability

Under Sustainability, the study assessed the long-lasting effect of the Strategy, and the factors contributing to it. To this end, this report analysed those factors and features that prevent or foster the practitioners' ability to benefit from the Strategy in the long run, and not just while participating in training activities. Overall, in some respects the Strategy has been capable of yielding a lasting effect on its beneficiaries.

**Tailoring training activities** to the audience is key to ensuring their sustainability. It was found that training providers in the Member States generally do perform a bottom up or top down needs assessment, via different methods. Most of them use a combination of assessment methods in order to create a learning curriculum. This makes them able to tailor their training for specific groups of participants, which increases sustainability. The Strategy has contributed to this sustainability factor by sharing, on the e-Justice Portal, guidelines on how to perform a **training needs assessment**, as well as best practices from Member States.

Nevertheless, the **lack of language skills** of some legal practitioners is a clear obstacle of their participation in cross-border training activities. This language barrier prevents such legal practitioners from participating in cross-border training activities, or when they do, it hampers their level of intake. The language barrier has therefore a negative impact on the lasting effect and sustainability of the Strategy.

In order for the Strategy to be sustainable, **follow-up activities** need to be conducted. At this point in time, not enough follow-up activities take place with regards to the assessment of learning of legal practitioners. Although guidelines and inspiration can be found in the EJTN Handbook on Judicial Training Methodology in Europe, it does not seem to be applied as much as desirable (for every training activity and on different point in time after the training activity took place).

Besides, the **lack of time** seems to be a shared concern among practitioners: on the one hand, many of them cannot find enough time to take part in training; on the other hand, they fear they would not have enough time to cope with the increased workload they would face after coming back to work from training. This factor thus also hampers the sustainability of the Strategy.

## Relevance

The relevance evaluation criteria looks into the needs and problems of the target groups, and assesses the extent to which the Strategy has contributed to addressing them. Overall, the Strategy appears to be relevant to legal practitioners' training needs.

It was found that there is a clear need for the Strategy's contributions to judicial training. According to the stakeholders, it is undoubtedly clear that the **judicial training demand in the EU required EU action**. First of all, training on EU law is more and more necessary to a wide range of legal practitioners in light of the ever-increasing influence Union law has on national legal systems. Facing this trend, the need for judicial training in order to overcome knowledge gaps was highlighted by the stakeholders interviewed.

While it is mostly national training providers that offer training activities on EU law, the involvement of the EU is seen as necessary as it ensures coordination and cooperation between EU-level and national training providers. Such leading role prevents overlapping training programmes and boosts cross-border initiatives, which increase awareness of foreign legal systems among practitioners. In this vein, stakeholders found the **type of training activities** currently offered to be **extremely relevant** to their needs, in particular **cross-border exchanges** and **e-learning activities**. There is wide consensus as to the need to further support such initiatives.

As for the **objectives** of the Strategy, whilst the current ones do not seem to be misplaced, there is still room for improvement. The Strategy's uniform priorities and objectives across all target groups and all Member States fail to grasp the peculiarities and specific needs of each of the target groups.

In terms of **target groups**, although the Strategy's initial focus was mainly on judges and prosecutors, the understanding of the Strategy's scope has evolved (including now for example prison and probation officers), illustrating the increased relevance of the Strategy. It was found that the Strategy successfully addresses the needs of the target groups differently, according to their relevance of their role in judicial proceedings.

The **topics** addressed in the training activities are considered relevant to the needs, as they follow the legislative development. The Strategy has been flexible enough to adjust its priorities to the relevant and emerging needs of legal practitioners.

Concerning its **geographical scope**, the Strategy mainly focuses on the EU but also favours participation by practitioners from candidate countries, allowing them to familiarise with Union law. This scope is deemed appropriate and relevant, as it enables the legal practitioners of these countries to gather insights and improve their knowledge on EU law, leading to an improved application of EU law.

Finally, it is true that the Strategy already encompasses a broad range of legal topics. However, we identified stakeholders wishing to see the Strategy focusing on an **ever broader array of subjects**, including human rights law and criminal law specialisations in terrorism and cybercrime.

## Recommendations

Our evaluation has concluded that the current Strategy has **many strengths** and has yielded positive results in many respects. Based on the findings made under this study's six evaluation criteria, a number of recommendations are made for the next Strategy that can be broken down as follows:

- **General recommendation**

First of all, we suggest that the next Strategy use the term '**Learning**' instead of 'Training' (e.g. learning formats/learning activities/learning material). We understand training as referring to classical classroom training (stricter interpretation) whilst there are many other learning formats that define learning (as a broader concept encompassing benefiting from other activities, such as listening to a podcast).

- **Scope**

The Strategy has overall successfully targeted all legal practitioners. Nevertheless, we recommend that the new Strategy clearly and explicitly states that all legal practitioners are targeted. In this sense, it would be advisable that its **target group** is broadened to include **all justice professionals**.

In terms of **geographical scope**, the European Commission might consider keeping the Strategy's focus on the EU Member States, as well as on the candidate, potential candidate and neighbourhood countries in order to ensure that their judicial systems are sufficiently prepared for their future possible accession to the European Union.

- **Objectives and indicators**

Given the successful impact of having a **quantitative objective** to monitor the implementation of the Strategy, the European Commission might adopt the same approach for the next Strategy and include an overarching quantitative objective for all legal professionals.

In order to ease the future assessment of the next Strategy, conducting a **baseline for measurement** of the next Strategy is recommended, based on the findings of this evaluation and the data that the EC will compile for annual reports based on 2017 and 2018 data. As for the monitoring of the implementation of the Strategy, we suggest including the following data elements to improve the monitoring on the implementation of the Strategy: efforts required from stakeholders to implement and monitor the Strategy (i.e. a qualitative description), and quantitative figures of such efforts (e.g. number of FTEs).

- **Enhancing quality**

The Strategy calls on Member States to use training formats that are practice oriented and relevant for the everyday work of legal practitioners. This approach ensures the quality of the training activities delivered, as well as its long-lasting effect in the participants. The Strategy should therefore continue encouraging **effective, modern (but established) learning methods** by promoting the use of the following by training providers: e-learning, blended learning, learning journey approach, experimental learning formats, and social learning.

In order to ensure the sustainability of the next Strategy, we recommend to tailor training activities to the specific needs of the different target groups. Therefore, it would be advisable that the next Strategy encourages **tailoring the learning format to specific groups of participants** by conducting a needs assessment, and taking the language barrier into account. As a solution, further Train-The-Trainer trainings could be organised.

Lastly, in order for the Strategy to increase its sustainability, it is recommendable to set clear expectations regarding the **evaluation of learning formats** by training providers, at least in the context of its financial support. This could involve pre- and post-measurement of the training activities, practical evaluation methods, creating a standardised evaluation questionnaire, as well as evaluation up to Kirkpatrick level 3 (at least regarding self-assessment).

- **EU funding**

The current Strategy has enabled the allocation of EU funds to train legal professionals. In order to continue the benefits of such allocation of funds (being mainly the organisation of training activities, reaching a higher number of legal professionals, and strengthening the training providers' capacity), **the Commission might consider maintaining and further increasing the amount of funding** devoted to judicial training. At the same time, however, we recommend that the Commission simplify the requirements for funding of cross-border training activities, and enhances the quality dimension in the projects awarded.

- **Governance**

In terms of governance, we advise the Commission to keep organising, and even increasing its frequency, the meetings of the **Inter-service group on European Judicial Training**, using a more structured approach consisting of more exchange of best practices. The involvement of EU agencies working with judicial professionals and their training providers (CEPOL, EASO, EPO, EUIPO, Eurojust, Europol, EPPO, as of November 2020) these meetings might also be considered.

Likewise, we recommend the Commission to maintain active the current **Expert Group on European judicial training** as well as the **annual conferences**. The Commission might continue using these events to raise awareness among training providers (especially the private ones)

about the importance for them to contribute data to the annual reports. It is advisable that the Commission join efforts with CCBE in order to raise private training providers' awareness and boost their participation.

# 1 Introduction

## 1.1 Purpose and structure of the Report

The European Commission, Directorate-General of Justice and Consumers (hereafter DG JUST), has mandated Deloitte as a request for services under the tender JUST/2017/JTRA/FW/CRIM/0142 (2018/01) to conduct the evaluation of the 2011 European Judicial Training Strategy<sup>5</sup> (hereinafter: the Strategy or EJTS). This Final Report presents the evaluation of the Strategy.

The report consists of the following elements:

- Section 2: Methodology;
- Section 3: The Strategy;
- Section 4: Answering the evaluation questions;
- Section 5: Conclusions and recommendations.

In addition, the document includes the following annexes:

- Annex A: Glossary;
- Annex B: Bibliography;
- Annex C: List of interviewees;
- Annex D: Evaluation Matrix;
- Annex E: Evolution of the number of legal practitioners trained relative to their overall population;
- Annex F: REFIT table.

## 1.2 Objective and scope of the evaluation

The Strategy is a communication from the Commission aimed at giving a new dimension to European judicial training, and at enabling European legal practitioners to access high-quality training in EU law. The Strategy aims to train half of the legal practitioners by 2020, or in other words, to train 5% of the legal practitioners annually (for more details on the content of the Strategy and its functioning, see section 3 The Strategy). With the current Strategy set to expire in 2020 and the positive evolution on the number of legal practitioners trained on EU law in the EU, now is the time to evaluate the progress and impact of the Strategy, and whether there is ground for a possible update in the future.

An analysis of lessons learnt and developments since 2011 until the end of 2017 will help in assessing the overall functioning of the 2011 Strategy in relation to its original objectives and new needs that may have emerged during or because of its implementation. The assignment thus covers the analysis of the practical application and the evaluation of the Strategy, in particular:

- Review the Intervention Logic of the Strategy;
- Summary of the replies to the open public consultation conducted by the Commission and targeted consultations<sup>6</sup>;
- Carry out the evaluation with a view to providing evidence-based answers to the questions included in the Evaluation Matrix regarding the implementation of the Strategy; and
- Propose recommendations regarding adjustments deemed useful for the future.

Based on the list of evaluation questions provided in the ToR, we developed an **Evaluation Matrix** (incl. questions, judgment criteria, indicators/information needs, and the relevant data collection tools needed to collect the necessary evidence)<sup>7</sup>. This report presents our answers to the questions

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<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Building trust in the EU-wide justice, A New Dimension to European Judicial Training", COM(2011) 551 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=EN>

<sup>6</sup> Deliverable provided together with the Inception Report.

<sup>7</sup> The draft Evaluation Matrix can be found in Annex D.

under the different criteria, i.e. effectiveness, efficiency, relevance, coherence, EU added value and sustainability.



## 2 Methodology

### 2.1 Data collection activities

We developed a tailored methodology to conduct the present evaluation, consisting of three main phases: Inception, Data collection and Final analysis and reporting.

The table below provides an overview of the data collection activities and the deliverables produced for this assignment under each phase.

*Table 1: Overview of the data collection activities and deliverables*

Phase	Tasks	
	Activities	Deliverables
<b>Inception</b>	<ul style="list-style-type: none"> <li>• Kick-off meeting;</li> <li>• Preliminary desk research;</li> <li>• Strategic interviews;</li> <li>• Summary of the results of the OPC and the TC;</li> <li>• Refinement of the methodological approach;</li> <li>• Draft Inception Report;</li> <li>• Inception Meeting;</li> <li>• Inception Report (finalised).</li> </ul>	<ul style="list-style-type: none"> <li>• Kick-off meeting;</li> <li>• PowerPoint presentation for Kick-off Meeting;</li> <li>• Kick-off Meeting minutes;</li> <li>• Report on OPC<sup>8</sup> and TC<sup>9</sup> results;</li> <li>• Inception Report;</li> <li>• PowerPoint presentation for Inception Meeting;</li> <li>• Inception Report Meeting minutes.</li> </ul>
<b>Data collection</b>	<ul style="list-style-type: none"> <li>• Desk research;</li> <li>• Attendance at relevant meetings</li> <li>• Fieldwork in 10 Member States</li> <li>• Phone interviews in 18 Member States and 3 Western Balkans countries;</li> <li>• Draft Interim Report;</li> <li>• Interim Report Meeting;</li> <li>• Interim Report (finalised).</li> </ul>	<ul style="list-style-type: none"> <li>• Interim Report;</li> <li>• PowerPoint presentation for Interim Meeting;</li> <li>• Interim Meeting minutes.</li> </ul>
<b>Final analysis and reporting</b>	<ul style="list-style-type: none"> <li>• Triangulation of data;</li> <li>• Validation workshop;</li> <li>• Draft Final Report;</li> <li>• Final Report Meeting;</li> <li>• Final Report (validated).</li> </ul>	<ul style="list-style-type: none"> <li>• First Draft Final Report;</li> <li>• Final Report Meeting PowerPoint presentation;</li> <li>• Final Report Meeting minutes;</li> <li>• Second Draft Final Report;</li> <li>• Final Report (validated).</li> </ul>

The **Inception phase** was opened by a kick-off meeting in which we presented our understanding of the objective and the scope of the study, as well as the tasks to be conducted. During the meeting, DG JUST provided us with relevant documents and contact details for the interviews. A preliminary desk research followed, during which the documents were analysed and the research needs consequently identified.

After the preliminary desk research, we organised strategic interviews in order to acquire more detailed knowledge concerning the contextual environment of this study. These interviews enabled us to gather specific insights into the implementation status of the Strategy, potential challenges, future priorities and needs to take into account. In this framework, we interviewed several EU officials and representatives of training providers and networks of EU level legal professionals' associations. Based on these interviews and other data, we were able to draw preliminary insights, which we presented in our Interim Report.

<sup>8</sup> Open public consultation, launched by the EC.

<sup>9</sup> Targeted consultation, launched by the EC.

Then, DG JUST delivered to the study team the results of the two consultations (OPC and TC) run by the Commission, which we condensed in draft summaries. The Commission also used its own tool, DORIS, to assess the open replies of the respondents. The insights collected under this task allowed us to fine-tune our methodology and data collection tools, with the guidance of DG JUST. In the Inception Report and Inception Meeting that followed, we presented the updated methodology and workplan, as well as our templates for data collection and discussed comments with the Steering Group.

The second phase was **Data collection**. This phase was opened by a desk research, an activity which has been continuously carried out throughout the entire study, and during which we continued to research data to fill the gaps and to examine any relevant document shared by interviewees. In addition, as discussed during the Inception Report Meeting, we conducted an exercise of looking for points of comparison between the European Judicial Training Strategy and other learning strategies at the EU level. The outcome of this analysis can be found in section 4.3.2.2 ('The Strategy's coherence with selected learning strategies') of the present Report.

Before starting the fieldwork and phone interviews, our team attended the meetings of the Expert Group on European Judicial Training on 30 May 2018 and the conference of stakeholders on 18-19 June 2018. Then, in agreement with DG JUST, fieldwork interviews were conducted in the following 10 Member States: France, Germany, Ireland, Italy, Latvia, the Netherlands, Poland, Romania, Spain and Sweden. This selection was based on criteria such as the difference of legal traditions and the diversity of organisational and procedural set-ups, paying attention to maintaining a certain geographical balance. The interviews were semi-structured and consultants were aided by an interview guide for each type of stakeholder (i.e. training provider, representative body or government ministry). In the remaining 18 Member States, we conducted phone interviews with several groups of stakeholders: authorities in charge of training of legal professionals, representatives of associations of law practitioners, and national (public and private) training institutions. As agreed with DG JUST, we conducted three interviews with European Judicial Training Network (EJTN) observer members from Serbia, Albania and Montenegro (one interview each).

The Interim Report provided a status update and some preliminary insights of the data collection.

In the **Final analysis and reporting phase** we organised a validation workshop with selected EU level stakeholders, and proceeded to the triangulation (see following subsection for more details) of all data collected during the study, as well as the preparation of this second Draft Final Report.

## 2.2 Methodologies and data analysis tools

In this Final Report, all evaluation questions raised in the evaluation's tender specifications are answered. Section 4 (Answering the evaluation questions), which addresses the six evaluation criteria, shows transparently how the conclusions were reached, indicating the source of the (quantitative or qualitative) data and showing, where relevant and possible, indications on the robustness of the data. To ensure the robustness of data we have taken into account factors such as the number and the representativeness of the respondents to the OPC and TC), and the extent to which data interacts with other evidence and contributes to corroborate or discard it. We also present an overview table in the main conclusions section of the report, to sum up under each individual evaluation criterion what is the performance against the baseline and how the evaluation criteria may relate to each other. This is done in a qualitative way (using traffic light assessment scheme).

For the purpose of this assignment, we closely followed the ToR as well as the principles and methods set out in the Commission's *Better Regulation Guidelines*<sup>10</sup>.

With a view to ensuring the high quality of the evaluation, the following **principles** have been the cornerstones of our methodological approach:

- **Comprehensive:** It is based on the following six evaluation criteria – effectiveness, efficiency, relevance, coherence, EU added-value and sustainability;

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<sup>10</sup> Commission, Better Regulation Guidelines, SWD (2017) 350, pp. 14-32, see: [https://ec.europa.eu/info/files/better-regulation-guidelines\\_en](https://ec.europa.eu/info/files/better-regulation-guidelines_en)

- **Proportionate:** The scope and analysis are tailored to reflect the maturity of the strategy and the data available;
- **Independent and objective:** The evaluation has been carried out in an independent and impartial manner in order to deliver reliable results;
- **Transparent judgement:** The judgements and conclusions made are based on evidence and supported by relevant analysis;
- **Evidence-based:** The evaluation is based on data gathered from diverse sources and methods ensuring reliable and, as far as possible, representative information.

The data assessed has been gathered through the different data collection activities mentioned in the subsection above. In particular, we have conducted a thorough desk research covering the following types of documents (see Annex B 'Bibliography'):

- Strategic documents from the EU institutions;
- Monitoring documents, including the Annual Judicial Training Reports, reports from the European Commission and European Parliament, and evaluations of EU programmes;
- Minutes from meetings and conferences;
- Studies;
- Scientific literature; and
- Documents from other stakeholders.

The findings of the desk research exercise have been subsequently completed and enriched thanks to the data gathered through other data collection activities, i.e. OPC and TC, fieldwork and phone interviews, meetings, and validation workshop.

After having collected the data, we conducted our analysis built on triangulation, i.e. the *principle of interplay among different sources*, in order to channel, combine and cross validate findings and arguments from several (unrelated) sources. We implemented the following steps to successfully achieve the triangulation of data:

- Identifying trends across the data sets and information gathered and consolidating these observations;
- Checking these hypotheses for consistency using different sources of information in order to find contradictions; and
- Approach our information sources to obtain additional data to analyse and reach EIPA's expertise to explain possible contradictions and/or differences in the findings.

In order to preserve the confidentiality of our interviews, the feedback received from stakeholders is presented anonymised and aggregated. When data received from interviewees relate to factual findings and public knowledge information, we do provide concrete examples and specify the Member State it relates to. In case of stakeholder views, whenever possible, we identify the type of stakeholder group the opinion comes from<sup>11</sup>. However in case the opinion comes from a mix group of different types of stakeholders (stemming from different Member States), this is not feasible.

## 2.3 Limitations and robustness of findings

During this assignment, the study team faced some challenges to collect all the necessary data to evaluate the Strategy. As indicated in our Evaluation Matrix (see Annex D), some data are fully available, while in other cases the information was only available for a reduced sample. In those cases, the study team used secondary sources to supply the data gaps and thus ensure that the robustness of our findings.

In particular, the study team faced the following issues:

First, the study team identified some issues concerning the **Annual Judicial Training Reports (AJTR)** that hamper the accuracy of its figures.

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<sup>11</sup> E.g. "legal professional association interviewees", rather than just "interviewees".

The main source of data to produce the AJTR is a data collection exercise, whereby the European Commission collects through questionnaires the information provided by the stakeholders themselves (EU-level and national training providers for legal practitioners), which explains the different levels of response rate, depending on the professions. For example, there are almost no private sector training providers for lawyers taking part in the reporting. There is a risk of double counting people attending training, as participants (and not people) are counted. However, in a given year, this risk is small as in reality, most legal practitioners would attend training on EU law only once per year. Conversely, it is possible that other stakeholders, such as private training providers, do not report to the Commission on the training activities they deliver.

In addition, the misalignment between Member States concerning the definition of initial training also impacts the figures on the number of legal practitioners having followed EU law related initial training. In some cases, the Member States have understood this concept as including university courses, while in others it only concerns the entrance to the profession, and in others it also includes the induction period subsequent to the entrance. This was solved in the AJTR by excluding clearly university courses from the reports<sup>12</sup>. This may result in figures being lower than the reality for some Member States (Germany especially), however, it ensures that the published data is comparable and corresponds to the same definition. Some stakeholders consider that it is not clear to what extent trainees and candidates should be included. However, this is catered for in the definitions provided in the data collection questionnaire of the AJTR<sup>13</sup>.

Lastly, the concept of training on EU law still poses some challenges as some stakeholders reporting to the Commission on their data only took into account those training activities exclusively dealing with EU law, while others included all types of training activities as long as they had an EU law dimension<sup>14</sup>. This is despite the clear definition provided in the data collection questionnaire of the AJTR<sup>15</sup> according to which all types of training activities should be included as long as they have an EU law dimension.

The study team also identified some discrepancies between the total number of legal practitioners trained provided in the AJTR, and the raw data of the Commission. This is explained by the following reasons:

- In 2011, EU funded participants to training activities were included in the total figure presented in the AJTR;
- In 2013, formulas mistakes were found in the annual raw data, leaving some countries out of the total number of legal practitioners trained.

The level of granularity of the data (i.e. type of training, topic addressed, duration) used to prepare the AJTR has also been a limitation in our assignment. There is no data available, either at EU-level or in some EU Member States, concerning the individual training activities delivered each year, nor the exact topic targeted by those (only a general overview on the law areas is provided). For technical reasons, the stakeholders do not always know the exact number of participants in e-learning activities either. So the AJTRs under-represent the number of participants in training in general by not being able to report on the e-learning participants. This has limited the level of details of our findings.

Secondly, the study team also encountered some inconsistencies concerning the data of the total **population** of the different legal practitioners in the EU. For this data point (i.e. the population data), there are three main sources:

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<sup>12</sup> The definition of "initial training" used in the questionnaire for the data collection, which feeds the AJTR, is the following:

"- Post-university professional (not academic) training  
- necessary for passing the last examination to enter the judicial career or  
- taking place just after registration/ appointment as fully qualified legal professional as far as the training is part of the basic training common for the majority of professionals."

<sup>13</sup> "What kind of *professionals* should be considered?

- Include only fully qualified legal practitioners in continuous training; the training of trainees counts as initial training for the respective legal profession [...]."

<sup>14</sup> Minutes from our fieldwork and phone interviews.

<sup>15</sup> "When is a training activity *related to EU law*?"

- Either EU law is the theme of the training activity as a whole (e.g.: "The EU rules on international private law");  
- Or EU law is included in a training session on national law in the sense that part of the training session deals with the EU implications of a seminar topic (e.g. "National consumer sales law", if the training activity also covers the EU directive on consumer sales law as guideline for interpreting the national law)."

- The AJTR from the Commission, which itself is based on:
- The raw data from the European Commission, which itself is based on:
- The Council of Europe European Commission for the efficiency of justice's (CEPEJ) reports.

The source regarding the number of legal practitioners in the Member States is the reports from the CEPEJ, which are only published every two years and cover the following years: 2012, 2014 and 2016. The Commission therefore used the 2014 CEPEJ report to prepare its own reports for these two years mentioned.

Lastly, according to the ToR the scope of the EJTS is the period 2011-2017. This Final Report has been updated in order to include the 2018 AJTR (data 2017).

# 3 The Strategy

## 3.1 Background

The origins of the European Judicial Training Strategy can be traced back to policy developments in 2006, with a Commission Communication on judicial training in the EU<sup>16</sup>. This Communication mentioned three key areas for improvement in the judicial profession: language skills, familiarity with EU law and familiarity with the law of other Member States<sup>17</sup>. Two years after this Communication, the Council and the Representatives of the Member States passed a Resolution on the training of judges, prosecutors and judicial staff in the EU<sup>18</sup>, which defined the guidelines that the Member States should use when organising the training for three legal professions. Then, the adoption of the Lisbon Treaty provided a legal basis<sup>19</sup> for the EU to define a strategy in this sector. In same year, the European Parliament published a study on strengthening judicial training in the EU.<sup>20</sup>

Still, room for improvement led to the 2010 Stockholm Programme Action Plan<sup>21</sup> and the 2010 EU Citizenship Report<sup>22</sup>, which both declared judicial training in the EU a priority. In the same year, the Commission launched a broad consultation of all EU-level stakeholders in order to define its core activities and key focuses in judicial training. It emerged from the consultation that legal practitioners in 2010 believed training on EU law to be extremely important, yet underfunded and taken up by an insufficient number of legal practitioners<sup>23</sup>. Specifically, legal practitioners underlined the importance of developing international exchanges as an effective learning tool and a good way of building mutual trust. Also important was the need for the creation of common curricula on EU legislation<sup>24</sup> and the necessity for more training on legal terminology.

At the time, despite the Court of Justice of the EU has been providing guidance on the interpretation of EU law to ensure it is applied uniformly across Member States, legal practitioners across the Union still did not all have the same degree of knowledge of EU law. Differences in training on EU law depended on several factors, such as the nationality, age, academic background and profession of legal practitioners. This gap represented a problem both from the customers' viewpoint (who would not benefit from the relevant European legislation applying to their case) and from the Union's viewpoint (which faced a major obstacle in the effective implementation of EU law). Indeed, the creation of a European judicial culture was deemed essential in order to establish a European judicial area in the framework of the European area of Freedom, Security and Justice.<sup>25</sup>

Thus, in 2011, the Commission published a Communication named "Building trust in EU wide justice - A new dimension to European judicial training"<sup>26</sup>. Due to its legal nature, the Communication is a policy document with no mandatory authority, and thus has no legal effect.<sup>27</sup>

<sup>16</sup> Communication from the Commission to the European Parliament and the Council on judicial training in the European Union, COM/2006/0356 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52006DC0356>

<sup>17</sup> Ibid., points 24 to 27.

<sup>18</sup> Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the training of judges, prosecutors and judicial staff in the European Union, (2008/C 299/01), [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:42008X1122\(01\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:42008X1122(01))

<sup>19</sup> Articles 81 and 82 TFEU concerning judicial cooperation in civil and criminal matters state that the EU should take measures to "support the training of the judiciary and judicial staff".

<sup>20</sup> European Parliament, Direction Générale Politiques Internes de l'Union, Département Thématique C, Droits des Citoyens et Affaires Constitutionnelles, « Renforcement de la formation judiciaire dans l'Union européenne », April 2009.

<sup>21</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan Implementing the Stockholm Programme, COM(2010)171, <https://www.easo.europa.eu/sites/default/files/public/action-plan-EN.pdf>

<sup>22</sup> European Commission, EU citizenship report 2010: Dismantling the obstacles to EU citizens' rights, COM(2010)603, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0603:FIN:EN:PDF>

<sup>23</sup> European Commission 2010 Consultation on European judicial training General, Synthesis of responses, p.3-4.

<sup>24</sup> Ibid., p. 4-5.

<sup>25</sup> Ibid.

<sup>26</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Building Trust in EU-wide Justice – A new dimension to European judicial training, COM(2011)551, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=EN>

<sup>27</sup> See: [http://ec.europa.eu/civiljustice/glossary/glossary\\_en.htm#Communication](http://ec.europa.eu/civiljustice/glossary/glossary_en.htm#Communication)

The legal basis used by the Strategy are Articles 81 (2)(h) and 82 (1)(c) TFEU, which explicitly refer to training the judiciary and judicial staff as a support measure to judicial cooperation in civil and criminal matters.

In the Strategy, the Commission considers possible to interpret the notion of judicial staff largely and to extend these provisions to lawyers and notaries because they are “an integral and necessary part of judicial activity” or “contribute to the implementation of Union law”<sup>28</sup>. Such broad notion of judicial staff matches with the comprehensive definition for the notion of judiciary and judicial staff provided, after the adoption of the Strategy, by Regulation (EU) No 1382/2013 establishing a Justice Programme for the period 2014 to 2020, which covers not only judges and prosecutors but also any other justice professionals associated with the judiciary. According to Recital 4 of the mentioned regulation, these include: “judges, prosecutors and court officers, as well as other legal practitioners associated with the judiciary, such as lawyers, notaries, bailiffs, probation officers, mediators and court interpreters”<sup>29</sup>. This list was expanded in the annual work programmes implementing the Justice programme to also include justice professions such as insolvency practitioners, court experts or probation and prison staff<sup>30</sup>.

## 3.2 Intervention Logic and objectives of the Strategy

In the Strategy, the Commission set objectives of judicial training on EU law for national practitioners and committed to support high quality European judicial training projects in order to achieve those objectives.

The EJTS’s Intervention Logic helps to visualise the causal hypotheses behind the proposed activities by explicating their expected effect: it shows how the Strategy’s various inputs and activities interrelate towards achieving the higher-level objectives. The relationships thus depicted provides a framework for the evaluation.

One of the tasks under this evaluation is to review the Intervention Logic initially drafted for this evaluation and expand or refine it. The figure below presents our **understanding of the intervention logic for the current Strategy**. The results of this fine-tuning, based on the comments provided by the Steering Committee in the Inception Meeting, is depicted in Figure 2.

As the figure shows, the EJTS was adopted based on the **need** to ensure a functioning European judicial area and internal market. On this basis, its **general objectives** are the following:

First, the Commission intends to make the Strategy a vehicle for increasing the extent to which EU law is **implemented effectively** in across all the EU Member States. With EU rules affecting an increasingly remarkable share of the law in force in the internal market and the mechanisms for judicial cooperation between Member States, the Commission deems it vital to enhance the competencies in EU law of the judiciary and of related legal practitioners. This has the purpose of bridging the existing gaps in the way EU law is applied on a daily basis, and of streamlining judicial cooperation. With the increasing importance of EU law, especially in cross-border situations and proceedings, national judges have become the front-line guarantors of consistent application of EU law in the internal market. This finding justifies the emphasis on the correct application and uniform interpretation of EU law across the Member States.

Second, the Commission aims at widening **access to justice** to the benefit of citizens and businesses, and at the same time making sure that the judiciary provides them a higher level of **legal certainty**. This objective also relates to the proper functioning of the internal market: more judicial remedies available and more legal certainty are likely to encourage private persons to enforce their rights and incentivise businesses to make investments, knowing that they can rely on a predictable justice system.

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<sup>28</sup> COM(2011) 551 final, p. 4.

<sup>29</sup> Regulation 1382/2013 of the European Parliament and of the Council of 17 December 2013, establishing a Justice Programme for the period 2014 to 2020, Recital 4.

<sup>30</sup> European Commission, Annex to the Commission Implementing Decision concerning the adoption of the work programme for 2016 and the financing for the implementation of the Justice Programme, p. 6; Annex to the Commission Implementing Decision for 2016, p. 18; Annex to the Commission Implementing Decision for 2017, p. 18.

It was hoped to do so by achieving the following **specific objectives**:

First of all, the Commission deems indispensable to try and improve the **knowledge** by legal practitioners of EU legislation and case law relevant for their profession. This is because, the more thorough knowledge practitioners have in the law they deal with, the higher the chances that they will provide citizens and businesses with better services and ensure a uniform application of EU law.

Second, the achievement of a satisfactory level of **mutual trust** amongst legal practitioners from different Member States also contributes to applying EU law uniformly. If practitioners enhance their level of knowledge of EU law and of the law of other Member States, they will trust more each other's work and competencies, thereby facilitating the creation of a common European judicial culture, and, in turn, a more uniform approach towards the application of EU law.

Third, the Strategy aims at training legal practitioners on EU law in order for them to provide **high-quality services** to citizens and businesses, especially when the former seek judicial remedies. Combined with more knowledge and mutual trust, such objective will enhance access to justice and legal certainty because legal practitioners will be more aware of the rights enjoyed by private parties, who will be enabled to seek proper judicial remedies.

These specific objectives are to be achieved through several **operational objectives**, which are all connected to specific indicators in the area of judicial training. The operational objectives are the following:

First, the Strategy aims at increasing the number of training activities on EU law. The Strategy aims at sponsoring the organisation of more **training activities** so that legal practitioners will benefit from a higher amount of opportunities to get training and improve their knowledge on EU law.

Second, and connected to the first operational objective, the Commission intends to increase the number of beneficiaries of training activities. In particular, the Strategy aims to achieve the following targets:

- More than 20 000 legal practitioners participating in training on EU law funded by the EU every year;
- Half of all legal practitioners taking part in at least one European judicial training session or exchange by 2020;
- All legal practitioners benefit from at least one week's training in EU law during their career.

Third, the Strategy intends to enhance the **reach of training activities**. The Strategy targets all legal practitioners. As underlined by the Communication itself, "priority is given to judges and prosecutors as they are responsible for the enforcement and respect of Union law"<sup>31</sup>. The Commission, however, also acknowledges the relevance to train all legal professionals such as court staff, lawyers, and notaries. The Strategy therefore targets all legal practitioners, thus allowing EU citizens to benefit from the knowledge and expertise of all types of legal professionals. In terms of geographical scope, the Strategy covers not only the Member States but also the candidate, potential candidate and neighbourhood countries.

Fourth, the Strategy target the improvement of **national training programmes**. The Commission pleads in favour of the systematic integration of the Union *acquis* in **initial training** for legal practitioners at the national level<sup>32</sup>. As explained in the Communication, initial training is delivered before or on taking up functions. Initial training is not present in all EU Member States, but it generally constitutes an obligation for legal practitioners to exert their profession<sup>33</sup>. Another priority is to ensure the **recognition**, in the practitioner's home State, of training activities undertaken in other EU Member States.

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<sup>31</sup> COM(2011) 551 final, p.4.

<sup>32</sup> Ibid., p.7.

<sup>33</sup> Ibid.



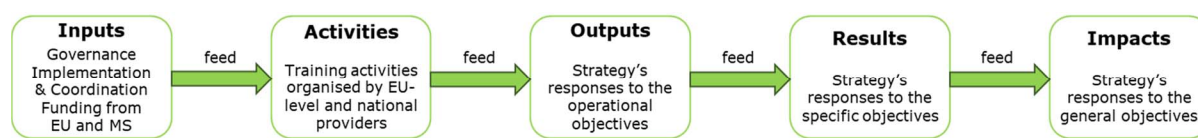
Fifth, the Strategy aims at ensuring that the **capacity** of EU-level and national training providers is strengthened, so that they can have more resources to organise training activities and cover the needs of practitioners as broadly as possible. In this respect, the Strategy aims at making the EJTJN a stronger actor in the coordination of cross-border training. In addition, in order to involve the expertise and experience of training providers of different nature and from different Member States, the Strategy intends to encourage the formation of consortia and public-private partnerships.

Sixth, the Commission is interested in improving the **quality of training** on EU law. On the one hand, the Strategy encourages funding high quality training projects, and on the other hand, shares the training materials through the European e-Justice Portal. The Commission decided to further develop the **European e-Justice Portal**, making it a one-stop shop enabling online judicial training and serving as a reference tool in 23 languages. This decision responds to several needs: the training providers' need for support material and methodologies, but also practitioners' need for a source of information on EU law and on the programmes and trainings available. Further developing the Portal instead of creating a new tool is also part of the Commission's wish to build on existing structures and networks.

Seventh, as the linguistic diversity of the EU is perceived as a barrier hampering effective judicial cooperation, the Strategy foresees to provide support to training activities on **legal terminology** in foreign languages.

To achieve all these objectives, the intervention foreseen in the framework of the Strategy is grounded on causal links as shown in the figure below:

*Figure 1: Causal link between components of the Intervention Logic*



Source: Deloitte

The Strategy's **inputs** are on the one hand, the governance provided by the Commission, and the implementation and coordination for the implementation of the Strategy at the national level. Besides, the financial resources provided by the EU and the Member States through various funding schemes are also inputs to take into account. This funding makes it possible to organise and implement several types of **activities** conducted by the Commission, EU level partners (e.g. EJTJN, ERA, EIPA) and Member States' training providers or organisations of justice professions. These include, for example, training activities, conferences, exchanges, as well as guidelines, training methodologies and monitoring of such activities.

The activities funded through these inputs are then expected to lead to the following **outputs**:

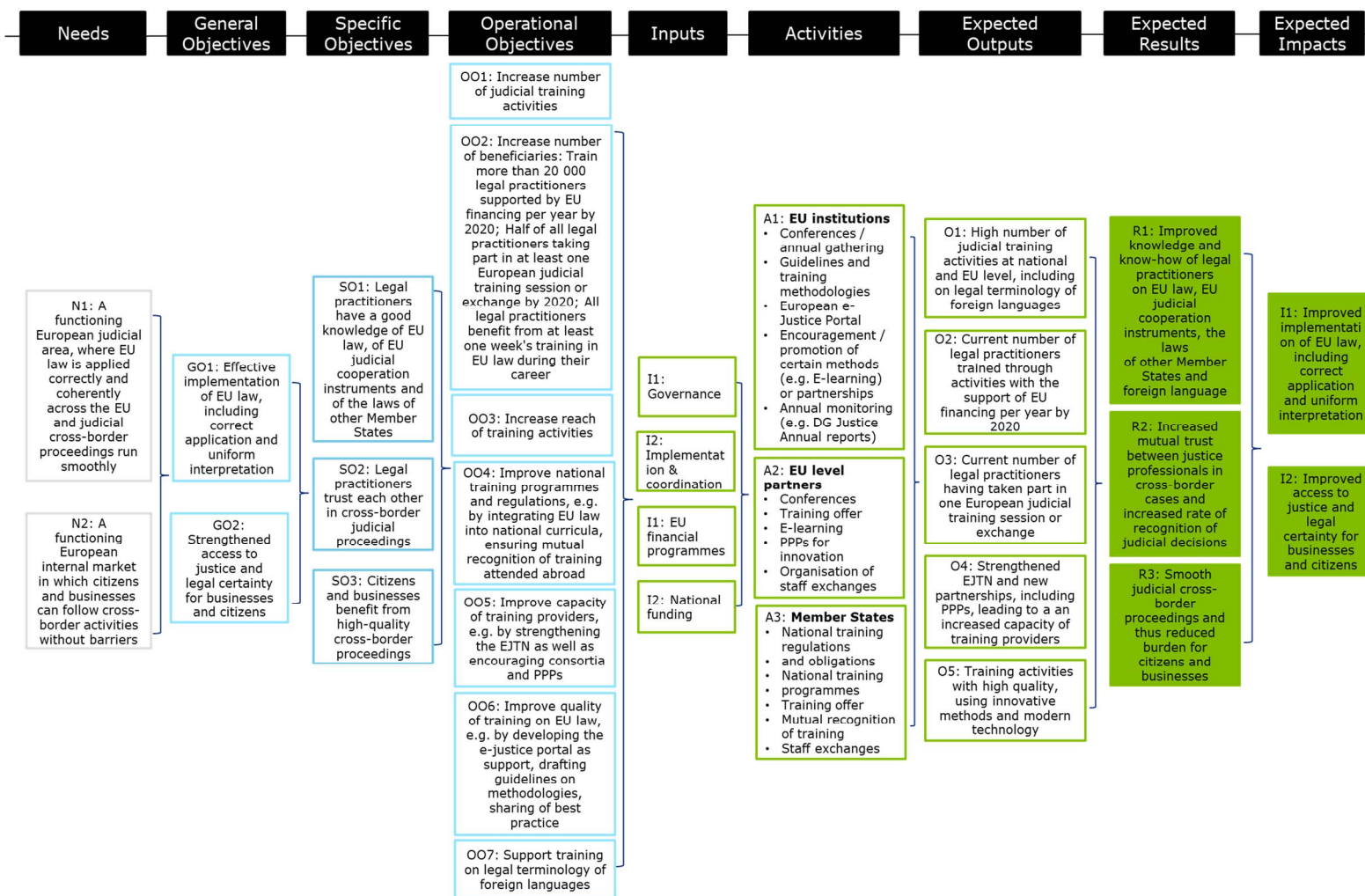
- First, we should expect an increased number of training activities, as reflected in the first operational objective. The courses, events, conferences and seminars organised under "activities" are the means for producing the increase in the overall number of training activities (output) and achieving the corresponding operational objective;
- Second, (increased) number of legal practitioners that are trained thanks to EU funding schemes every year;
- Third, (increased) number of legal practitioners that participate in at least one training activity on EU law;
- Fourth, an improved capacity of EU-level training providers, including EJTJN, and national training providers, and an increased number of partnerships (including PPPs) of training providers;
- Fifth, a better quality offered by training providers through their activities, including through the use of modern learning technologies;
- Sixth, training activities on legal terminology that show the Strategy's support to overcoming the obstacles to mutual trust and participation in training caused by insufficient knowledge of foreign languages.

The above outputs are expected to help to achieve three **results**, namely:

- First, an improvement in the legal practitioners' knowledge on how to apply EU law and to use EU cooperation instruments;
- Second, an increased level of mutual trust between legal practitioners (e.g. by meeting during training activities and exchanges);
- Third, also thanks to the two results above, better quality of cross-border proceedings and thereby reduced burdens for citizens and businesses involved in legal disputes with a cross-border element.

Overall, the above outputs and results are expected to deliver long-term **impacts** in two main respects: first, contributing to improving the implementation of EU law across the EU, as well as the correct application and uniform interpretation of EU rules. Second, contributing to making access to justice easier and improving legal certainty for citizens and businesses.

Figure 2: Intervention Logic of the 2011 European Judicial Training Strategy



Source: Deloitte

### 3.3 Functioning and implementation of the Strategy

The implementation of the Strategy is based on the intertwining of contributions of different kinds: political, logistic and financial ones, from three main categories of actors:

- the **Member States' actors**, which define the training obligations (if any) and training programmes, ensure both initial (when it exists) and continuous training, and base their action on existing training institutions;
- the **EU level training providers**, whose role is to develop and deliver cross-border training activities; and
- the **European Commission**, which has a supporting role and provides a financial and operational framework notably to EU and national training providers and organisations of legal practitioners.

**Governance** is provided by two main actors: the inter-service group of the European Commission, and the European Commission Expert Group on European Judicial Training<sup>34</sup>, which deals with the supervision of the Strategy and carries out assessments on the needs and gaps in judicial training at the EU level. The Commission monitors the activities conducted in the framework of the EJTS and releases annually an AJTR<sup>35</sup> on the progress of the Strategy's implementation. In these annual reports, the implementation of the Strategy is measured through the number of legal practitioners trained by all types of training activities mentioned in Section 3.4.2.1 (EU law training activities and participants). This number represents the quantitative objective of the EJTS, which is also the only clearly quantifiable objective laid out in the Strategy. Nonetheless, these reports only provide information concerning the quality of the activities financed by the Strategy to some extent, the number of participants in the training activities serving as the main indicator of their quality.

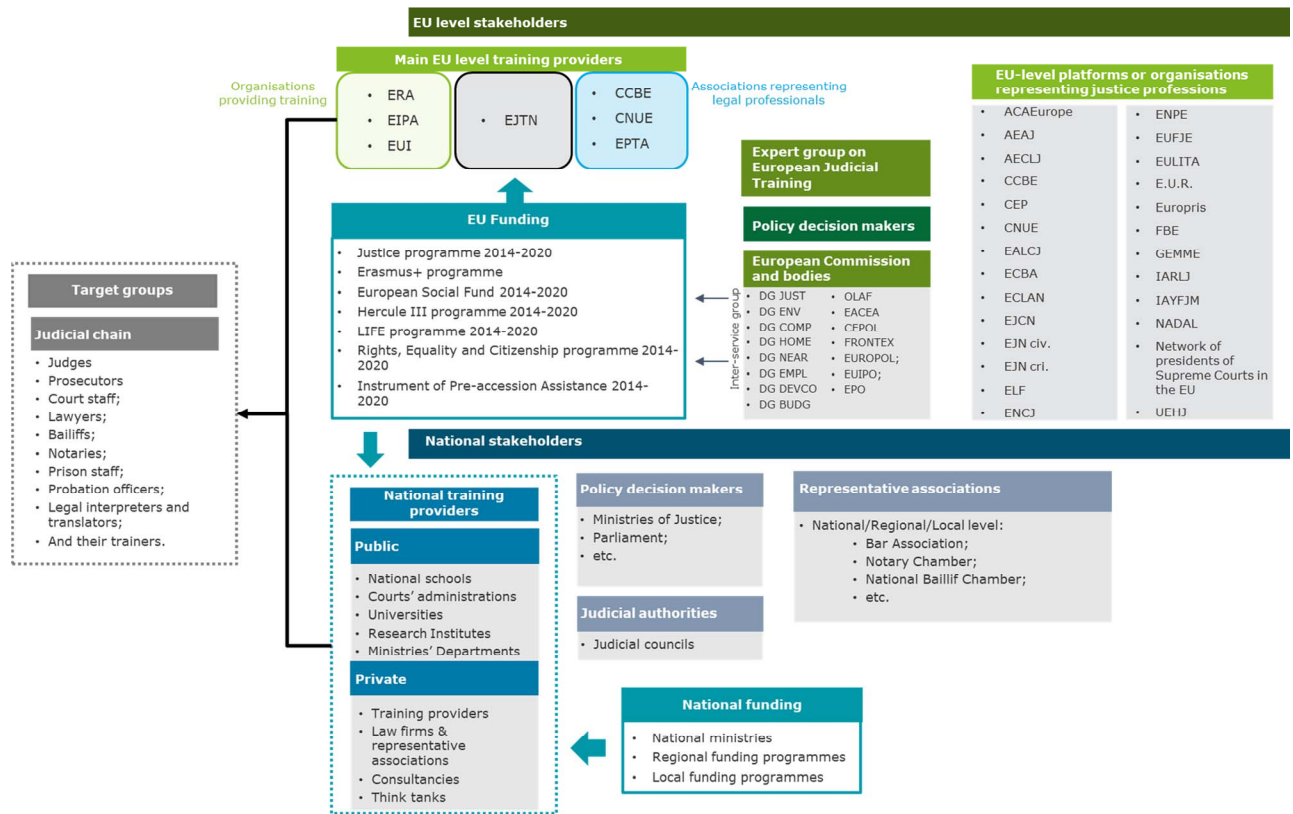
The figure below provides an overview of the functioning and the stakeholders involved in the Strategy.

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<sup>34</sup> See: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2241>

<sup>35</sup> The list of the AJTRs can be found at: <http://www.ejtn.eu/About-us/EJTN-documentation/>

Figure 3: Overview of the 2011 European Judicial Training Strategy



Source: Deloitte

### European networks involved in judicial training

The whole Strategy heavily relies on activating and maintaining **existing networks**, which also entails providing them with sufficient financial support. Prior to the Strategy, at the European level several training structures already existed in both the public and the private sector. Judicial training structures included national schools for all types of legal professions at the Member State level as well as European professional organisations and training providers at the Union level.

The Commission decided to use these pre-existing structures and networks as the cornerstone of its Strategy, openly refusing to “create a monopoly structure at the European level”<sup>36</sup>. Such monopoly structure would not be appropriate, as on the one hand to respect the judicial independence and self-organisation of the professionals associations of legal practitioners, and on the other hand as the Strategy's training objective is a shared challenge that requires building on the existing structures and networks, both at the national and the EU level.

The Strategy recalls that Member States bear the responsibility for judicial training. The Communication indicates that the structures at national level, but also the ones at regional and local level are crucial to ensure that EU law is included in the judicial training activities. Thus, the Strategy pinpoints the exchange programme of future judges and prosecutors focusing on EU law which *Ecole Nationale de la Magistrature* (France), *Centro de Estudos Judiciarios* (Portugal) and *Escuela Judicial del Consejo General del Poder Judicial* (Spain) initiated in 2001<sup>37</sup>. This programme was subsequently extended to the participants of other training institutions and was integrated into the EJTN in 2010.

In addition to this, there are training providers already established at the European level. Not only are there European associations of legal professions, such as the CCBE, the CNUE, the ENCJ, the Network of Presidents of Supreme Judicial Courts and the European Union Forum of Judges for the

<sup>36</sup> COM(2011) 551 final, p.6.

<sup>37</sup> Ibid., p.7.

Environment, but also judicial training providers with a European-wide reach, like ERA, EIPA, the European University Institute and the College of Europe. The Commission explicitly mentions all of these training providers as “key partners” in the Strategy<sup>38</sup>.

On top of all these networks and structures, the Strategy pays special attention to the EJTN. EJTN contributes to the achievement of the objectives of the Strategy by supporting national and local level trainers, developing training materials, providing training activities and sharing best practices. The Strategy calls EJTN to reinforce the sustainability of its structure and reach a greater number of legal practitioners. More support to the EJTN has been made conditional to the latter achieving such targets.

### The Commission as an active partner

In the framework of the Strategy, the Commission wishes to be an **active partner** both of Member States and training providers<sup>39</sup>, so that the objective of training at least half of all the legal practitioners in the EU on Union law by 2020 can be achieved.

The Commission positions itself as an active partner as a promoter of new forms of cooperation in judicial training, and also as a provider of financial resources to the stakeholders engaged in providing training.

First, the Commission intends to bring added value to the work of the various stakeholders by promoting the creation of public-private partnerships involving public institutions and organisations (such as ministries, national schools of judiciary, public universities) and private training providers. Such initiatives are meant to be built on the experience gained in past or existing cooperation structures between stakeholders in the area judicial training. For example, with a view to promoting cross-border recognition of training activities, the Commission indicates that it wants to spread the experience of the partnership between the bar associations of France, Belgium and Luxembourg. In addition, the Commission intends to organise an annual gathering among practitioners from different professions in order to promote exchange of best practices.

Second, the Commission also wishes to engage in the activities by providing increased and more coherent funding of judicial training at different levels of the implementation of the Strategy. Funding programmes for judicial training already existed before 2011 as well, but they were not backed by a comprehensive Strategy on judicial training. In this respect, following a broad stakeholders' consultation carried out by the Commission in 2010<sup>40</sup>, the 2011 Strategy has identified a set of priorities and core activities, which are taken into consideration by the Commission to develop its funding programmes<sup>41</sup>. The Strategy is indeed supported by several EU funds allocating an amount of their budget to judicial training (see subsection below for further details on each funding programme).

### Funding programmes

Since 2014, the main funding for judicial training has been provided by the **Justice Programme**, which replaced the previous Civil Justice Programme, Criminal Justice Programme and Drug Prevention and Information programme. The Justice Programme has a maximum budget of € 378 million for the period 2014 to 2020, with 35% of this budget allocated to judicial training. This represents an increase of 80% of the funds dedicated to judicial training in comparison with the three programmes mentioned just above for the 2007-2013 budgetary period. The main objective of the programme is to contribute to judicial cooperation in civil and criminal matters, judicial training and effective access to justice in Europe. To achieve such objective, the programme finances a wide range of activities, such as workshops, staff exchanges, conferences, mutual training activities, studies, surveys and preparation of guides. The Justice Programme is one of the

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<sup>38</sup> COM(2011) 551 final, p.8.

<sup>39</sup> Ibid., p.9.

<sup>40</sup> European Commission 2010 Consultation on European judicial training – General synthesis of responses. The following priorities have been agreed upon: “environmental law; civil, contract, family and commercial law, competition law, intellectual property rights; criminal law (in particular the implementation of the European arrest warrant), crimes against Union financial interests; fundamental rights and data protection”.

<sup>41</sup> COM(2011) 551 final p.3, referring to European Commission 2010 Consultation on European judicial training – Synthesis of responses, pp 3-5.

two funding programmes managed by DG JUST, the other one being the **REC** programme (Rights, Equality and Citizenship). The budget allocated to the REC programme for the period 2014-2020 is €439 million. The REC programme funds, among others, training activities on equality and fundamental rights, such as women, children and minorities' rights.

Another example of training programme used to support judicial training activities financially is the **Jean Monnet programme**, which is part of the **Erasmus+ programme** and aims at promoting excellence in the field of EU law.

Three other funding programmes for judicial training are sector-specific: the Hercule III Programme, IPA, LIFE, and the European Social Fund. In the case of **Hercule III**, judicial training is part of a broader European strategy of the European Anti-Fraud Office (OLAF) to fight against fraud and corruption. Just as the ones previously mentioned, the part of this programme dedicated to judicial training finances conferences, trainings, seminars and exchanges, but it is not exclusive to legal practitioners. The **IPA Programme** provides funds for the development of fundamental rights and the rule of law in the EU candidate and pre-accession countries<sup>42</sup>, and the **LIFE programme** finances training on EU environmental law for judges and prosecutors. Finally, the **European Social Fund** is the main instrument for supporting people addressing four major challenges: employment, social inclusion, education and public services. Under the joint management of the Commission (DG EMPL) and the Member States, the programme allocates funding to judicial training activities in the framework of educational initiatives. Although some partial information on the budget allocated to judicial training is provided by DG EMPL to DG JUST in the framework of the preparation of the AJTR, DG JUST has no view on the number and types of activities conducted as such information is not reported.

## 3.4 Key figures and state of play

This section aims to present the available data concerning the baseline (i.e. the period prior to the adoption of the Strategy), and the current situation.

### 3.4.1 Data on the baseline

This section presents the available data regarding the situation before the adoption of the Strategy. It is important to establish a baseline for drawing comparisons with the current situation under the different evaluation criteria. In particular, the assessment of Effectiveness (Section 4.1) analyses the developments regarding the fulfilment of the Strategy's objectives between the adoption of the Strategy and now. This section answers to the questions asked in the Evaluation Matrix under the "baseline" heading (see Annex D 'Evaluation Matrix').

The proposal for the Strategy was not accompanied by an impact assessment or systematic analysis of the situation at the time. Therefore, data points are not directly comparable with those in the current situation. The main source of quantified data is a survey contained in a study conducted by the European Parliament in early 2011<sup>43</sup>. Some 7 000 stakeholders responded to this survey, 6 000 of which were judges and prosecutors (including trainees), representing 5% of all judges and prosecutors at EU level. The remaining 1 000 respondents were court staff (i.e. judicial officers in courts). Other sources used for establishing the baseline are the following: a 2005 study on the application of Regulation 44/2001 (the Brussels I Regulation)<sup>44</sup>, a 2006 Communication by the Commission to the European Parliament on judicial training<sup>45</sup>, and a 2008 Report by the European Parliament on the role of national judges in the EU<sup>46</sup>.

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<sup>42</sup> Former Yugoslav Republic of Macedonia, Montenegro, Turkey.

<sup>43</sup> European Parliament (2011), *ibid.*

<sup>44</sup> University of Heidelberg, Study JLS/C4/2005/03 – Report on the Application of Regulation Brussels I in the Member States.

<sup>45</sup> Communication from the Commission to the European Parliament and the Council on judicial training in the European Union, COM(2006) 356 final.

<sup>46</sup> Report on the role of the national judge in the European judicial system (Rapporteur Diana Wallis) (INI/2007/2027) adopted by the European Parliament on 9 July 2008.

### 3.4.1.1 EU law training activities and participants

The provision of judicial training is not amongst the domains in which regulation is supposed to be harmonised across EU Member States. With the EU lacking competence to regulate the requirements of legal professions, each Member State imposes its own requirements on legal practitioners in terms of recruitment, preliminary experience and training. Training activities are usually broken up into initial training activities, and continuous training activities<sup>47</sup>. However, various differences persist in how Member States organise “initial training”; moreover, due to different national requirements related to the career of legal practitioners, in some Member States they do not need to undertake initial training<sup>48</sup>.

From the available 2011 data, three main trends emerged in terms of **participation** in EU law training activities by judges and prosecutors. First, the extent of participation varied depending on the age of trained practitioners; second, participation was not evenly distributed across the whole EU; third, data suggest that training in other fields of law is generally more common than training in EU law.

Prior to the adoption of the Strategy, participation in university-based and initial judicial training on EU law was dependent hugely on the participants’ age, and consequently, on how long they had been practicing law. In general, more than 70% of respondents to the 2011 survey under the age of 40 had been trained on EU law, ECHR law or the law of other Member States<sup>49</sup>. By contrast, often no more than 20% of respondents above the age of 50 benefited from any such training in the beginning of their legal career. Thus, data for before the Strategy suggests a clear generational gap.

*Table 2: Judges and prosecutors that studied or took part in initial training activities about EU law, ECHR law and law of other Member States before 2011*

Studies (S) <sup>50</sup> / Initial (I)	Under 30		31-40		41-50		51-60		Over 60	
	S	I	S	I	S	I	S	I	S	I
EU law	94%	56%	79%	51%	51%	32%	31%	22%	25%	19%
ECHR law	90%	54%	74%	48%	47%	30%	27%	21%	22%	16%
Law of other MS	77%	46%	67%	41%	40%	24%	21%	15%	19%	14%

Source: Deloitte based on European Parliament’s data<sup>51</sup>

Another important takeaway is that **participation in EU law training** within academic studies and initial training **varied significantly across Member States**. Data referring to the period before 2011 indicates that training on EU law in 2011 was more prevalent amongst the newer Member States. For example, in recent members such as Estonia, Latvia, Hungary and Lithuania, 70 to 90% of the judges and prosecutors responding to the 2011 survey had received training on EU law or the law of another Member State. By contrast, this percentage drops to 40% or below in Belgium, France, Germany and the United Kingdom. This trend is possibly due to the obligations of the candidate countries during the pre-accession period to ensure the implementation of EU law and the familiarity with the EU judicial area. This was also supported by EU funding programmes,

<sup>47</sup> Initial training is training that takes place at the earliest stage of a practitioner’s career, and is usually part of the requirements for entering law practice; continuous training is training that takes place at various stages of a practitioner’s career. See *ibid.*, p. 16.

<sup>48</sup> Communication from the Commission to the European Parliament and the Council on judicial training in the European Union, COM(2006) 356 final, p. 3.

<sup>49</sup> These figures drop to around 50% for initial training activities; however, as stated above, Member State do not use the very same definition of “initial training”, which makes it appropriate to assess such data along with data on University courses on EU law.

<sup>50</sup> Studies refer to the academic legal studies, i.e. law degree.

<sup>51</sup> See European Parliament (2011), *ibid.*, pp. 29 and following.

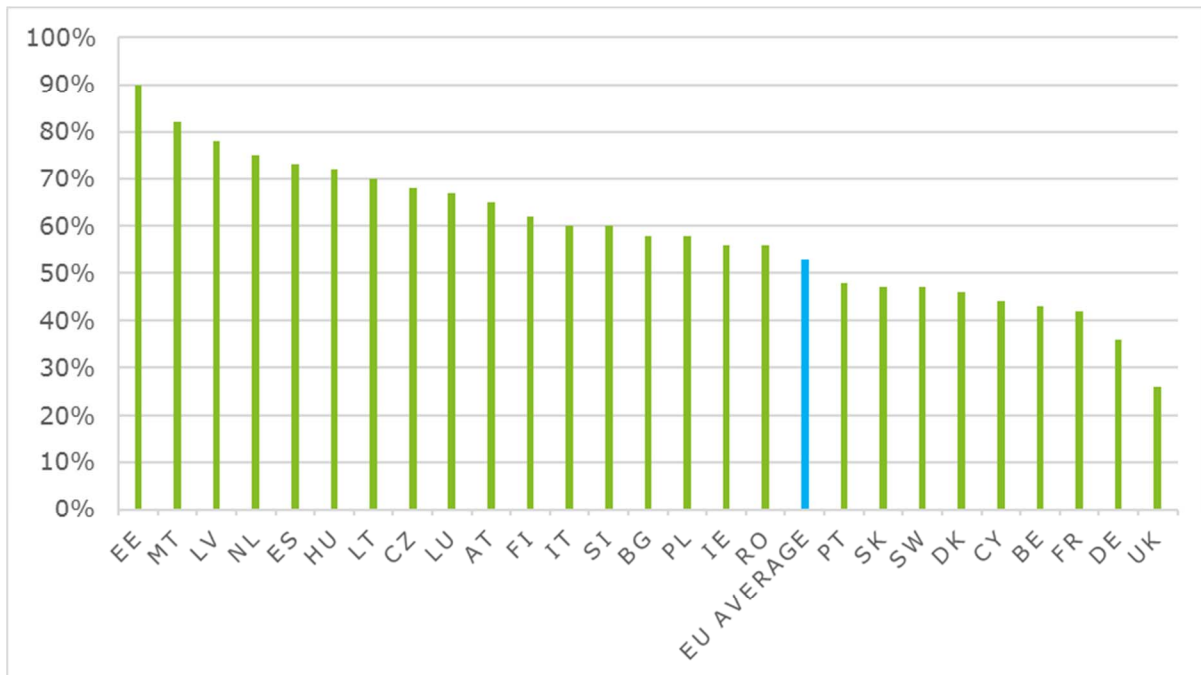


i.e. the Instrument of Pre-Accession Assistance (IPA), which also includes an element of training for legal professionals<sup>52</sup>.

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<sup>52</sup> The IPA was introduced in 2007 and covered the entire 2007-2013 financial framework. The IPA II is currently being implemented for new candidate countries during the 2014-2020 period. See: [https://ec.europa.eu/neighbourhood-enlargement/instruments/overview\\_en](https://ec.europa.eu/neighbourhood-enlargement/instruments/overview_en)

Figure 4: Percentage of judges and prosecutors that have received continuous training on EU law or the law of other Member States prior to 2011



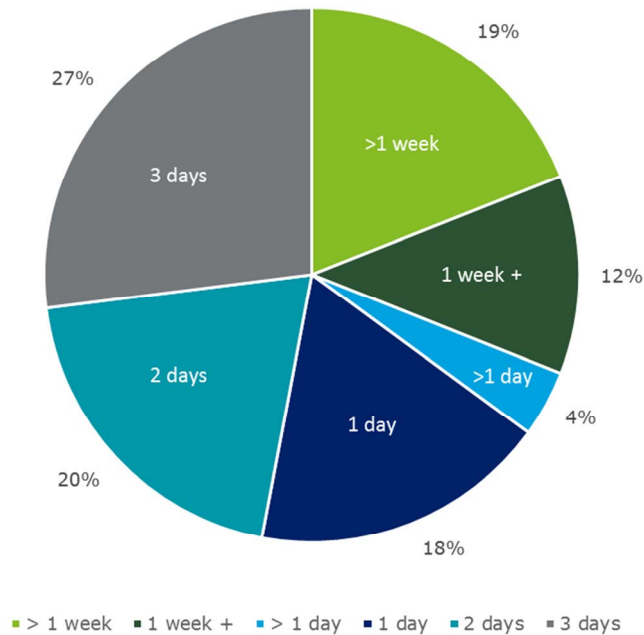
Source: Deloitte aggregation based on European Parliament study on judicial training<sup>53</sup>

Turning to the situation on **continuous training** in 2011, training on EU law lagged far behind training in other fields of law. That is true for judges (83% had received training in other fields of law vs 58% in EU law), prosecutors (76% vs 44%) and court staff (63% vs 23%). Such a divide is confirmed by data on how recently respondents to the 2011 survey had received training: only a minority (40%) of respondents declared to have accessed training activities on EU law during the year prior to the survey (compared to a +70% in other legal fields). We note however that these numbers may have in part been the result of a lack of a common understanding of the expression “EU law training”, possibly missing the cross-sectoral influence of EU law.

The 2011 survey also gathered data on the **duration and type** of training activities. As for the duration of training activities, the chart below illustrates the distribution of (judge and prosecutor) participants among activities of varying duration.

<sup>53</sup>European Parliament (2011), *ibid.*

Figure 5: Duration of training activities undertaken by judges and prosecutors before 2011



Source: Deloitte aggregation based on European Parliament's study on judicial training<sup>54</sup>

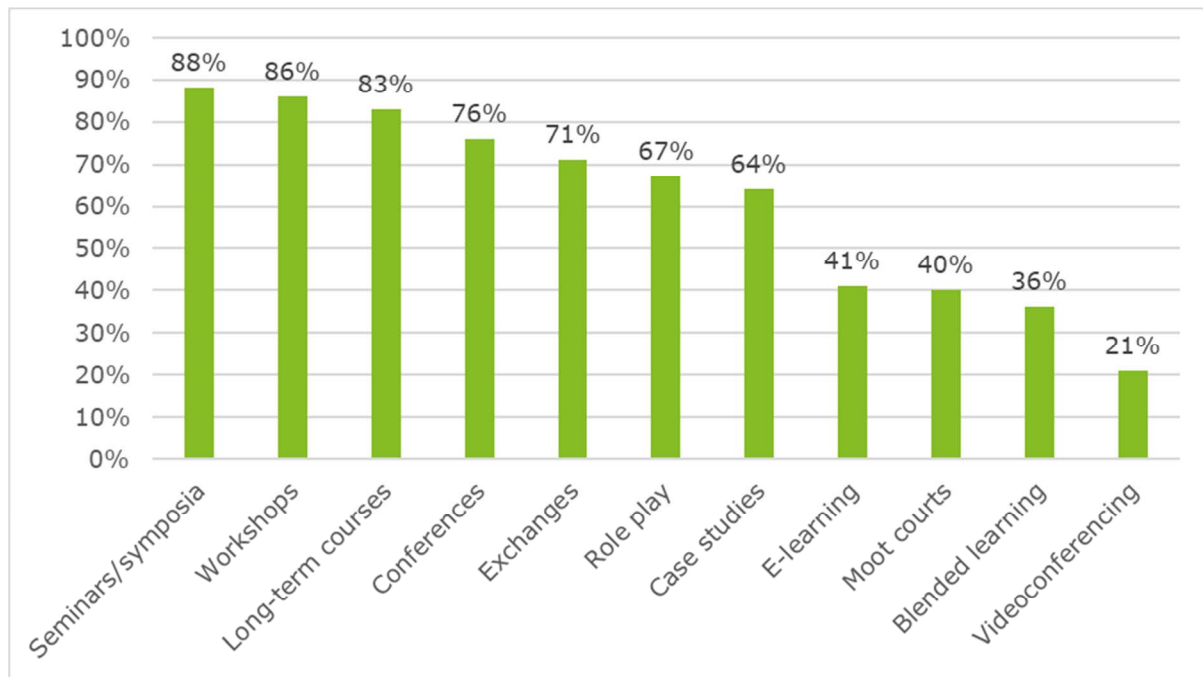
As regards the training activities, the survey found that in 2011 they ranged from classical courses and seminars, case studies and practice-oriented activities, to videoconferences and training based on e-learning resources. Overall, data from the 2011 survey<sup>55</sup> suggests a clear preference for activities that put legal developments in context, such as case studies, as well as for the use of modern technological means, such as e-learning. One of the constraints that emerged from the inquiry, namely lack of time for some practitioners to take part in training activities, can also help to explain this preference.

However, such preferences were not always met by adequate provision of means by national training providers - the case study approach was adopted by 61% of those providers; **e-learning** was used in only 41% of activities, while video-conferencing only in 21%. The overall picture shows that national stakeholders based most of their training exclusively on **traditional training activities** (such as conferences, seminars and frontal lectures), while only a minority had introduced the use of information and communication technology (ICT).

<sup>54</sup> European Parliament (2009), Study on strengthening judicial training in the European Union.

<sup>55</sup> Ibid., pp. 52 and following.

Figure 6: Training activities used by training providers before 2011



Source: Deloitte aggregation based on European Parliament's study on judicial training<sup>56</sup>

One can also distinguish between activities carried out only with participants from the same Member State, and **activities involving a cross-border (or transnational) element**, mainly judicial exchange programs. Most of the training activities were only provided within the territory of each Member State, while only a small fraction (22%) of respondents ever took part in judicial exchanges. This data is strikingly countered by 9 out of 10 respondents clearly recommending methods to promote cross-border contact and exchanges between practitioners. An explanation for such a preference could be identified in the inherent cross-border nature of EU law, which makes awareness about implementation and understanding in other Member States even more crucial. Another explanation could be that the respondents who took the time to answer a survey on judicial training in the EU were more aware than most judges and prosecutors of the importance of EU law and of cross-border contacts to help solve cross-border cases.

### 3.4.1.2 Indicators related to European judicial culture: knowledge and mutual trust

Among the policy documents devoted to strengthening judicial cooperation in the EU, the Hague Programme<sup>57</sup> stressed the concept of "European judicial culture". It defined this concept as a common *ethos* grounded "on diversity of the legal systems of the Member States and unity through European law"<sup>58</sup>. The 2010 Action Plan implementing the Stockholm Programme elaborated on this notion, stressing that the European Judicial Area "can only function effectively on the basis of mutual trust among judges, legal professionals, business and citizens"<sup>59</sup>. This concept brings together the knowledge of EU law and the mutual trust between judicial professionals in different Member States. Indeed, common knowledge of EU law and personal contacts, which should be derived from participation in training activities, are key to the development of a common judicial culture. As a 2009 study by the European Parliament highlighted<sup>60</sup>, mutual trust is linked to knowledge. This is because as practitioners increase their knowledge of legal practices in other Member States, as well as their competence in applying EU law consistently, they tend to understand and trust more the decisions made by the authorities of

<sup>56</sup> European Parliament (2009), *ibid.*, p. 107.

<sup>57</sup> The Hague Programme: strengthening freedom, security and justice in the European Union, 16054/04, 13.12.04.

<sup>58</sup> *Ibid.*

<sup>59</sup> European Commission (2010), Action Plan Implementing the Stockholm Programme, COM(2010) 171 final, p. 4.

<sup>60</sup> European Parliament (2009), *ibid.*, pp. 4, 9.

other Member States. Also, a better understanding of the forms of judicial cooperation in the EU contributes to increasing practitioners' trust in foreign judicial practice and decisions. The 2011 survey made an inquiry into knowledge of EU law, showing that up to that year, respondents perceived their level of knowledge as insufficient to guarantee a high quality of decisions involving EU law aspects<sup>61</sup>. This was also highlighted by a number of political documents published up to 2011, which all pointed to the phenomenon that a large proportion of judges and prosecutors had never received enough preparation on EU law to be able to master relevant legislation and case law in their daily practice<sup>62</sup>. Of the respondents to the 2011 survey, as many as 32% of judges (16% among last instance judges) admitted to knowing only to a minor extent when EU law has to be directly applied. Dismal figures were observed also regarding knowledge of the procedure for a preliminary ruling<sup>63</sup> before the Court of Justice of the EU. As many as 40% of the respondents had no or scarce awareness as to the circumstances in which they could or had to trigger this procedure, and 60% of respondents had no or scarce awareness as to the procedure to do so.

Parallel to such low levels of knowledge of EU law before the Strategy, mastery of **foreign languages** among legal practitioners was also not too common. When dealing with foreign judgments, practitioners are in a much easier position if they master a foreign language at the start of their or at least a vehicular language<sup>64</sup>. Furthermore, they have to be acquainted with legal terminology. The 2009 study by the European Parliament has also recognised a direct link between mastering foreign languages and building cross-border trust<sup>65</sup>. However, the 2011 survey shows an **insufficient knowledge of a foreign language** by many respondents. While 88% of the judges participating in this survey declared to know at least another EU language<sup>66</sup>, only 21% of the judges who indicated that they know English had a proficient level in English (that would allow them to master legal terminology)<sup>67</sup>.

A survey conducted by the European Parliament in 2008<sup>68</sup> indicates that, among the judges responding, as many as 39% declared to have encountered **linguistic barriers to obtaining information on EU law**. Main issues included access to judgments of European and national courts and comparing different linguistic versions of the same pieces of EU legislation. Such hindrances are in line with the finding that only 20% of the respondents to the 2008 survey across the EU had undergone linguistic training focused on foreign legal terminology.

Lacking knowledge of EU law and of foreign languages inevitably has a negative impact on **mutual trust** between legal professionals. Despite the inherent difficulty in measuring mutual trust, most policy documents indicate that the level of trust prior to the adoption of the Strategy needed improvement<sup>69</sup>. Overall, EU institutions agreed that trust between Member States' judges and prosecutors had to be substantially increased in order for the principle of mutual recognition, and EU law as a whole, to be applied effectively, and for a genuine European judicial culture to emerge<sup>70</sup>.

### 3.4.1.3 Level of recognition and enforcement of judgments

The creation of a European judicial area by means of a European judicial culture implies facilitating the free movement of judgments throughout the EU. This is why training judges on the recognition

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<sup>61</sup> European Parliament (2011), *ibid.*, pp. 112 and following, p. 139.

<sup>62</sup> See: COM(2006) 356 on judicial training in the European Union, and COM(2011) 551 final Building trust in EU-wide justice a new dimension to European Judicial training.

<sup>63</sup> This procedure allows (or obliges, in case of last instance courts) national courts to refer to the Court of Justice of the EU a question on the interpretation or validity of EU law, when such a judgment is needed to solve a national dispute. See Article 267 of the Treaty on the Functioning of the EU (TFEU).

<sup>64</sup> A vehicular language, also known as *lingua franca*, or bridge language, is a language used in communications between two or more subjects who do not share any of their native languages.

<sup>65</sup> European Parliament (2011), *ibid.*, p. 22.

<sup>66</sup> Mostly English (81%), then French (40%), German (17%) and Spanish (10%). *Ibid.*, pp. 121-122.

<sup>67</sup> *Ibid.*, p. 29.

<sup>68</sup> Report on the role of the national judge in the European judicial system (Rapporteur Diana Wallis) (INI/2007/2027) adopted by the European Parliament on 9 July 2008.

<sup>69</sup> See e.g. European Parliament, Directorate-General for Internal Policies, Workshop on Judicial Training, Session II – Improving Mutual Trust (2013), pp. 6, 13, 18 and 20.

<sup>70</sup> See European Parliament, Directorate-General for Internal Policies, Strengthening Judicial Training in the European Union (2009), pp. 11 to 14; COM(2010) 171 final, Action Plan Implementing the Stockholm Programme, p. 4, 8; COM(2011) 551 final, Building trust in EU-wide justice – A new dimension to European judicial training, pp. 2, 5; 2014/C 443/04, Council Conclusions 'Training of legal practitioners: an essential tool to consolidate the EU *acquis*'.

and enforcement of judgments delivered by courts of other Member States has been set as a priority for EU action in the Area of Freedom, Security and Justice<sup>71</sup>.

Prior to the implementation of the Strategy, no study focused specifically on a comprehensive inquiry into the level of recognition and enforcement of cross-border judgments in civil and commercial matters. Still, based on a detailed 2005 Study<sup>72</sup> on the application of the Brussels I Regulation<sup>73</sup>, harmonising the rules on jurisdiction and recognition of cross-border judgments, one can say that before 2011 the EU procedural rules on recognition and enforcement of judgments in civil and commercial matters in other Member States were generally understood and applied in a satisfactory manner.<sup>74</sup> This is also the conclusion drawn by the Report on the application of the Brussels I Regulation,<sup>75</sup> which was in turn based on the 2005 Study. On average, data from national reports show that 93% of the cases involving the Brussels I Regulation did not present any difficulties related to the recognition or enforcement of foreign judgments; only 1 to 5% of enforcement judgments, depending on Member States, were appealed.<sup>76</sup>

The same study, however, pointed out that some uncertainty persisted among judges as to specific procedural issues.<sup>77</sup> Furthermore, the results of a public consultation carried out by the Commission in 2010 indicated that many stakeholders<sup>78</sup> placed high importance on strengthening training activities on EU procedural law related to cross-border judgments.<sup>79</sup> Such indications suggest that, despite the overall good level of recognition and enforcement of foreign decisions, many practitioners did not feel entirely familiar with the day-to-day application of the underlying rules. In addition, a CEPEJ Report on the efficiency of enforcement of court decisions in Europe<sup>80</sup> pointed out that enforcement officers employed by Member States should undertake training according to the same standards set for judges and lawyers.<sup>81</sup>

We observe a similar picture concerning Regulation 2201/2013, also known as “Brussels IIa Regulation”, concerning recognition and enforcement of judgments in matrimonial and parental responsibility matters.<sup>82</sup> As found by the 2014 Report on the application of this Regulation,<sup>83</sup> recognition and enforcement of cross-border judgments has been running smoothly thanks to this Regulation. The only issues highlighted in the Report were mainly caused by different understanding of the term “enforcement”, which triggers different requirements in national procedural law for enforcing foreign judgments, and by the fact that the exequatur procedure had not been abolished for all types of judgments covered by the Regulation.

### 3.4.2 Data on the current situation

The analysis below on the current situation follows the same structure as the previous section on the baseline and covers all questions asked in the Evaluation Matrix (see Annex D).

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<sup>71</sup> Building trust in EU-wide justice a new dimension to European Judicial training, COM(2011) 551 final, p. 2.

<sup>72</sup> University of Heidelberg, Study JLS/C4/2005/03 – Report on the Application of Regulation Brussels I in the Member States.

<sup>73</sup> Council Regulation (EC) 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

<sup>74</sup> However, the authors found that, even though the Brussels I Regulation and other related acts were being effectively applied, recognition and enforcement could be made easier by leaving behind the procedures related to the “exequatur” principle.

<sup>75</sup> COM(2009) 174 final, Report by the Commission to the European Parliament, the Council, and the Economic and Social Committee on the application of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

<sup>76</sup> University of Heidelberg, Study JLS/C4/2005/03 – Report on the Application of Regulation Brussels I in the Member States, p. 71. See also a country-by-country overview in the 2010 report by the Center for Strategy and Evaluation Services, Data Collection and Impact Analysis – Certain Aspects of a Possible Revision of Council Regulation No. 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (‘Brussels I’).

<sup>77</sup> Mainly related to different national practices on how to understand the notion of “recognition” and “enforcement”. See in more detail Section 3.4.2.3, subsection on *Level of Recognition and Enforcement of Cross-Border Judgments*.

<sup>78</sup> Mainly European judicial training stakeholders: EU-level training providers, EU-level organisations of justice professionals, ministries of justice of the EU Member States.

<sup>79</sup> European Commission, 2010 Consultation on European judicial training: General synthesis of responses, pp. 3, 9.

<sup>80</sup> European Commission for the Efficiency of Justice (CEPEJ), *Report on the Enforcement of Court Decisions in Europe*, 2007.

<sup>81</sup> *Ibid.* p. 109.

<sup>82</sup> Council Regulation (EC) of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

<sup>83</sup> COM(2014) 225 final, Report by the Commission to the European Parliament, the Council, and the European Economic and Social Committee, on the application of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

***The comparison between data on the baseline and data on the current situation (including specific findings and conclusions) is provided under the different evaluation criteria, and in particular in the section on Effectiveness (Section 4.1).***

### 3.4.2.1 EU law training activities and participants

This section aims at presenting and describing data on the number, type and content of training activities and the number of participants among legal practitioners. It is divided, in turn, into two subsections. The first subsection looks at a number of data points gathered from the Commission's monitoring data, part of which is based on the AJTRs. The purpose of this subsection is to look at figures on EU law training activities and participants with respect to all types of stakeholders engaged in judicial training (considering EU-level or national stakeholders together), map the main trends and the evolution of participation by practitioners of each justice professions over the years, as well as to look at the source of EU funding over the years from 2011.

The second subsection presents a more granular overview of the training activities offered by the main EU-level stakeholders – i.e. the Commission, EJTJN, ERA and EIPA – in 2011 and 2017. This analysis is needed to correctly assess the current situation (see Annex D). The data described in the second subsection is nonetheless included in the overall figures presented in the first subsection.

#### **Overall figures on EU law training activities and participants**

The table below shows how many practitioners per target group took part in initial and continuous training activities on EU law from 2011 to 2017.

Table 3: Number of justice professionals taking part in initial and continuous training activities on EU law by profession(2011-2017)

	2011		2012		2013		2014		2015		2016		2017	
	I	C	I	C	I	C	I	C	I	C	I	C	I	C
Judges	5 040	22 576	4 266	20 431	4 273	22 595	11 444	26 039	4 216	24 130	13 750	34 794	15 969	44 877
Prosecutors	1 695	6 493	1 542	6 750	1 778	6 167	1 041	8 845	1 624	9 041	1 176	10 100	1 354	13 043
Court staff	966	5 941	822	2 612	1 548	5 248	1 484	4 707	3 752	7 359	3 482	8 542	4 286	11 544
Lawyers	9 652	17 024	9 323	13 677	14 902	42 593	20 194	45 148	22 608	37 337	16 621	43 367	20 712	50 706
Bailiffs	1 918	1 095	330	1 115	1 150	952	1 123	2 550	1 486	1 643	538	2 193	979	2 765
Notaries	657	4 312	953	2 419	526	5 271	1 615	7 893	2 395	9 455	1 907	7 266	1 126	14 344
Mediators	14	181	1 330	75	79	158	221	336	N/A	N/A	N/A	146	33	248
Total	19 928	57 441	18 566	47 079	24 256	82 984	37 122	95 518	36 081	88 965	37 474	106 408	44 459	137 527

Source: Deloitte based on European Commission data



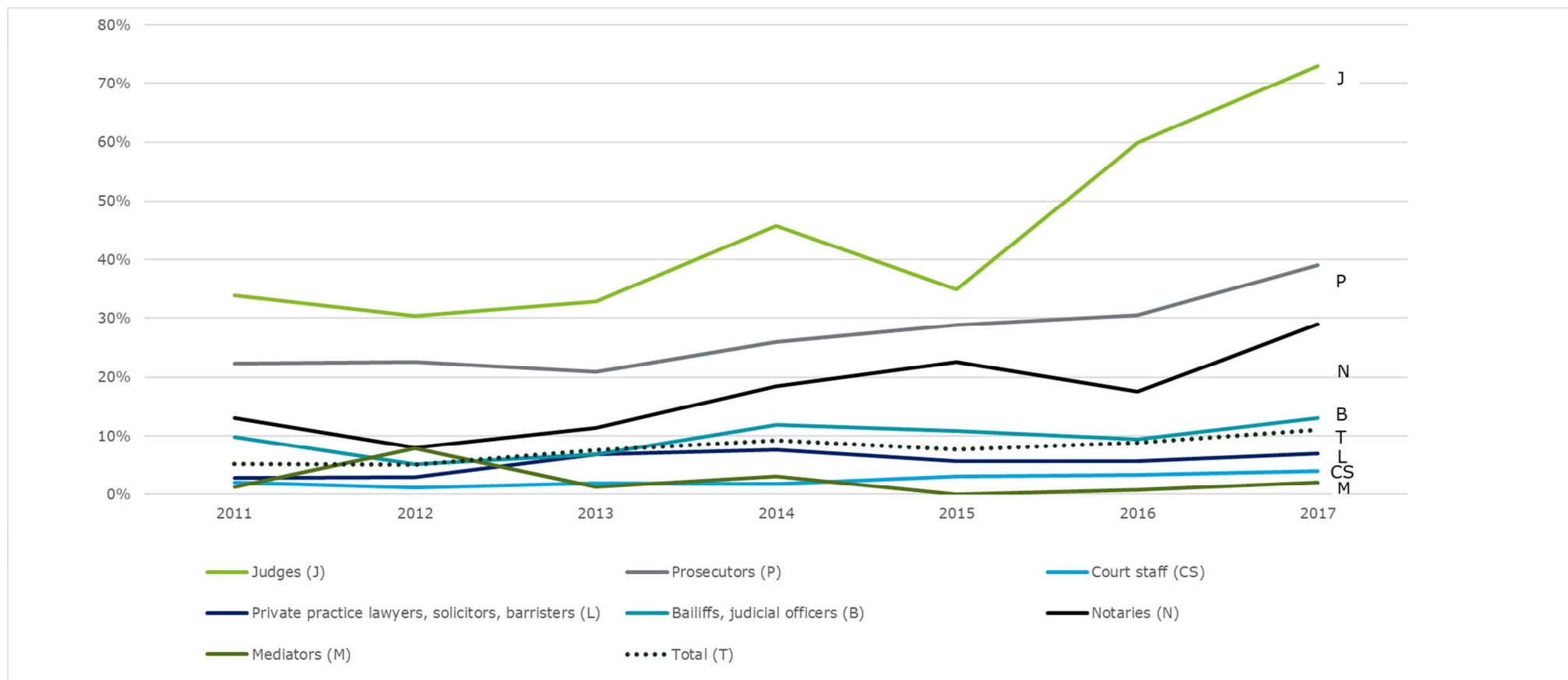
In addition, the following table provides aggregate data on the number of legal practitioners taking part in EU law training activities per target group and per year. The next graph displays the percentages of practitioners trained with respect to the total number of active legal practitioners at EU level.

*Table 4: Number of legal professionals trained on EU law, per target group (2011-2017)*

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Judges	27 002	24 697	26 868	37 483	28 346	48 544	60 846
Prosecutors	8 072	8 292	7 945	9 886	10 6635	11 276	14 397
Court staff	6 907	3 434	6 976	6 191	11 111	12 024	15 830
Private practice lawyers, solicitors, barristers	26 676	23 000	57 495	65 342	59 945	59 988	71 418
Bailiffs, judicial officers	3 013	1 445	2 102	3 673	3 129	2 731	3 744
Notaries	4 969	3 372	5 797	9 508	11 850	9 173	15 470
Mediators	195	1 405	237	557	N/A	146	281
Total	76 834	65 645	107 420	132 640	125 046	143 882	181 986

Source: Deloitte based on European Commission's data

Figure 7: Proportion and evolution of legal practitioners trained (2011-2017)



Source: Deloitte aggregation based on European Commission's data

As shown in the graph above, except for a slight dip in 2012<sup>84</sup>, the total number of participants in training on EU law or the law of another Member State has been continuously increasing since the beginning of the Strategy in 2011. The two biggest breakthroughs took place between 2012 and 2013 – when the total number increased by 64%, due mainly to a 150% boost in the number of trained lawyers (achieved notably thanks to an improvement in the reported data for lawyers' training); and between 2013 and 2014 – with a 23% overall increase.

In 2017, 181 986 legal practitioners were trained on EU law throughout the EU. This figure represents 11.3% of all practitioners active in the EU in that year. Participation percentages kept following patterns similar to the previous years, varying greatly depending on the target group. As many as 60 846 judges (73.4% of all active judges) were trained in 2017, followed by 14 397 prosecutors (38.7%) and 15 470 notaries (29.2%). As for the bailiffs, 3 744 (12.9%) received training in 2017. The number of trained lawyers is 71 418 (7%)<sup>85</sup>. Trained court staff members were 15 830 (4%), continuing the ongoing improvement from 2016 compared to the early years. Finally, the number of trained mediators reached 281, i.e. 1.6% of active mediators.

It is worth looking at the **geographical trends** in the participation of legal practitioners over the years in order to understand how the situation in some Member States has affected the overall picture.

First, in the transition **from 2011 to 2012**, slight drop in the total number of trained practitioners has been caused by the reduced participation of **court staff** by half in continuous training activities. This was due to drops occurring in the majority of Member States, in particular in Czech Republic, the Netherlands, Poland and Spain. The drop in trained **lawyers** has been caused by huge drops in participation of lawyers in the Netherlands, Portugal and Spain, notwithstanding increases in France and Germany. As regards **notaries**, the decreases in Germany and Italy contribute to explain the general drop occurred at EU level, but decrease in the percentages (Figure 7 above) has been due to a major increase (10 000) in the number of total active notaries in 2012, which as a result has brought the percentage down. Conversely, the slight increase in the number of trained **judges** has depended on initial training activities being undertaken by twice as many judges as the previous year. In this category, the increases in Austria, Croatia, France, Hungary and the United Kingdom have more than outweighed the decreases occurring mainly in Germany and Poland.

Second, in the transition **from 2012 to 2013**, we witness an extraordinary steep increase in the participation of **lawyers** in initial training and especially in continuous training activities. This has been caused by huge increases in participation in both initial and continuous training activities in Bulgaria, Czech Republic, Estonia, France (a 8 times increase in continuous training), Greece, Lithuania, Portugal, Romania (more than 10 times increase overall) and Spain (from 0 to more than 13 000 lawyers in continuous training).

Third, in the transition **from 2013 to 2014**, we assist to an increase in **judges** participating in initial training activities, which has been mainly caused by increases in France, Germany (more than 10 times increase), the Netherlands and the United Kingdom. In addition, the number of **lawyers** taking part in initial training went up once again to a considerable extent, mainly thanks to increases in Austria, Croatia and especially Poland (almost 10 times increase).

Fourth, in the transition **from 2014 to 2015**, the figures relating to initial training of **judges** have evolved contrary to the previous transition, dropping to values similar to 2013. This has mainly been caused by the number of judges taking part in initial training in Germany going back to the 2013 figures, and even less in France; decreases in Italy, Spain and the United Kingdom have also contributed to the general drop. As regards **lawyers**, the overall number of trained lawyers has suffered from a decrease in practitioners participating in continuous training, mainly due to drops in France, Ireland, Poland (from more than 10 000 to just around 1 500) and Portugal. These drops have more than outweighed the increases occurring in Bulgaria and in the United Kingdom.

Fifth, in the transition **from 2015 to 2016**, the trend in the number of **judges** undertaking initial training shows another drastic change, similar to that occurred from 2013 to 2014. This was

<sup>84</sup> The dip displayed in Figure 7 is due to a methodology fine tuning for 2012 compared to 2011. See Section 2 on Methodology above for a thorough explanation.

<sup>85</sup> It is worth mentioning that the figures concerning training of lawyers are incomplete as private training providers do not usually contribute with their data to the preparation of the AJTR.

mainly due to the number of German judges participating in initial training activities skyrocketing from just above 600 to more than 11 000. In light of this data and of the evolutions in previous years, can therefore say that Germany exerted the biggest influence, amongst the EU Member States, on the trend in the participation of judges in initial training from 2013 to 2016. The 2017 AJTR also explains that the significant increase in the number of trained judges in 2016 reflects a growing interest in EU law among those practitioners.<sup>86</sup> The number of **lawyers** participating in continuous training activities has also gone back up thanks especially to increases in France, Greece and Spain. In addition, the figures relating to **notaries** went down generally at EU level. According to the 2017 EC Annual Report, this drop can be explained by the fact that in 2015 notaries stopped benefiting from an EU grant that helped them be trained in the most interesting latest developments on EU law concerning their profession. This grant had been one of the reasons for the increase in the training of notaries before 2015.<sup>87</sup>

Sixth, in the transition **from 2016 to 2017**, one can observe, at the outset, that both the absolute numbers and participation ratios improved for all justice professions. As regards **judges**, despite the drop in practitioners trained experienced in Portugal, the number of professionals trained increased in particular due to the situation in Bulgaria, Czech Republic, Germany, Hungary, Poland and Sweden. Germany and Portugal are the Member States mainly responsible for the rise in the total number of trained **prosecutors**. **Court staff** members also were more involved in training activities especially in Belgium, Bulgaria, Czech Republic and Romania. As regards **lawyers**, despite a huge drop in France, steep increases in Austria and Spain, along with Belgium, Estonia, Greece, Italy, Sweden and Slovenia, made the overall number of trained lawyers rise to above 70 000. The increase in the number of trained **bailiffs** is mainly due to the situation in Spain (but also in Czech Republic, Italy and Slovakia). Figures for **notaries** rose thanks especially to increases in Spain and Italy, along with Czech Republic. Finally, Romania and Hungary are mainly responsible for the higher number of trained **mediators**.

Although the overall number of training participants has been growing year on year, the increase also reflects the increased number of legal professionals in the EU, which has grown by 7.7% since 2011.<sup>88</sup>

This entails that, when examining the proportion of professionals overall that have been trained, one should bear in mind the following: on the one hand, the increase in the number of *trained* legal practitioners should be read in the light of the continuous increase in the total number of *active* legal practitioners over the years. On the other hand, however, the increase in the number of trained practitioners has been far higher than the increase in the total population (see Annex E). This is particularly remarkable for judges: the proportion of trained judges against the total number of active judges increased from 30% in 2011 up to 73.4% in 2017 (see figure 7 above). In general, all justice professions experienced an increase in the proportion of trained practitioners compared to the 2011 figures. With the financial support by the Commission, the European Judicial Training Network (EJTN) has been organising **judicial exchanges** for judges and prosecutors across different Member States.

As the table below illustrates, more and more judges and prosecutors have been participating in judicial exchanges over the years. Since 2011, the number of judges and prosecutors taking part in judicial exchanges has grown steadily, and in 2017, the EJTN organised almost three times as many exchanges as it did in the Strategy's first year (2 694 against 928 in 2011).

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<sup>86</sup> 2017 Annual Report on European Judicial Training, p. 7.

<sup>87</sup> Ibid., p. 12.

<sup>88</sup> The percentage results from the differential between the 2011 data (1 490 858) and the 2017 data (1 615 956) about the total number of active justice professionals provided to us by the Commission.

*Table 5: Number of judges and prosecutors participating in judicial exchanges (2011-2017)*

	Short-term exchanges	Long-term training periods	Study visits	AIAKOS Programme <sup>89</sup>	Total
Duration	5 to 10 days	3-12 months	2 to 5 days	2 weeks	
Target group	Judges, prosecutors and judicial trainers	Experienced judges and prosecutors	Judges and prosecutors	Future or early-career judges and prosecutors	
2011	545	11	118	254	928
2012	630	19	197	376	1 222
2013	797	21	193	269	1 280
2014	826	33	266	497	1 622
2015	982	36	396	401	1 815
2016	995	35 <sup>90</sup>	438	749	2 217
2017	1 249	45	474	926	2 694
Total for the available years	6 024	200	2 082	3 472 <sup>91</sup>	11 788

Source: Deloitte based on EJTJN's data

**Training activities** have taken place in a variety of **settings**, including: classrooms (with case studies or teaching that is more theoretical), seminars, webinars, conferences, videoconferences, e-learning, blended learning, podcasts, etc. According to the results of the 2018 Targeted Consultation (TC), multiple training activities were used in training activities organised or engaged in by the respondents<sup>92</sup>. As regards traditional training activities, on a total of 65 respondents, 61.5% engaged in exchange activities, 60% took part in conferences, 55.4% in interactive workshops, 53.8% in class courses, and 41.5% in roundtables<sup>93</sup>. As regards training activities using Internet technologies, 41.5% of the respondents participated in e-learning activities, and 32.3% in blended learning. Finally, 47.7% of those 65 respondents took part in activities combining multiple training activities, and 33.8% had training in legal terminology.<sup>94</sup> Since responses to the 2018 TC are the only quantitative data available on this topic, it is useful to analyse them in order to have at least an indication of the most used types of training activities.

More specific data is available about judges working in competition law, from a 2016 Study mandated by the European Commission<sup>95</sup>. As regards distance-learning,<sup>96</sup> such training activity was never experienced by 63% of the respondents to the related 2016 survey under 40 years old, by 60% of the respondents between 40 and 49, and by 76% of the respondents above 50. Around 60% of the respondents under 50 said that they would make greater use of distance-learning, compared to 49% of the respondents over 50<sup>97</sup>.

Ratios based on age show that, although, on average, judges with a long-standing career use distance-learning tools less frequently, such tools are underused but perceived as needed also by a

<sup>89</sup> The AIAKOS programme was created at the request of the EJTS and specifically targets future and early-career judges and prosecutors. It provides them the opportunity to learn about other judicial systems as well as training curricula. It also enables them to enhance their knowledge on EU law and on judicial cooperation instruments.

<sup>90</sup> Data provided by the EJTJN.

<sup>91</sup> Years 2013-2017. Data for years 2011 and 2012 correspond to the previous "initial training study visits" (data provided by the EJTJN).

<sup>92</sup> Respondents to this consultation belonged to both training providers and practitioners.

<sup>93</sup> European Commission (2018), Targeted Questionnaire, pp. 5 and 32.

<sup>94</sup> Ibid.

<sup>95</sup> European Commission, Study on judges' training needs in the field of European competition law – Final report (2016), p. 314.

<sup>96</sup> In the context of the 2016 study, distance-learning is to be understood as including the following formats: e-learning, webinars, audio and video podcasts.

<sup>97</sup> European Commission, Study on the training needs of competition law judges, p. 314.

majority of younger practitioners. This suggests that the provision of distance-learning activities may be perceived as a pressing training need by the new generations of judges. One should however proceed with care when assessing the extent to which such findings may be extended to other target groups outside competition law.

The **duration of training activities** is another important factor to consider in order to have a clearer typology of the activities reaching legal practitioners...

The table below breaks down initial training activities in categories according to their duration. For each category, we indicate the share of those activities on the total numbers of initial training activities year by year.

*Table 6: Percentage of initial training activities, by duration (2011-2017)*

	2011	2012	2013	2014	2015	2016	2017
< 6 hours	N/D	8%	16%	18%	15%	25%	10%
1 day	N/D	51%	28%	14%	19%	13%	10%
2-3 days <sup>98</sup>	N/D	21%	31%	21%	25%	14%	7%
4-5 days	N/D	6%	7%	5%	14%	8%	1%
> 5 days	N/D	14%	18%	42%	27%	40%	48%
Total	N/D	100%	100%	100%	100%	100%	75% <sup>99</sup>

Source: Deloitte based on European Commission's data (AJTRs)

The table shows that the share of longer initial training activities (more than 5 days) has increased especially in the transition between 2013 and 2014, reaching almost 50% of initial training activities in 2017. The very opposite trend can be observed for initial training activities lasting 1 to 3 days, as their share has decreased from 2013 onwards (already in 2013 for 1-day activities). On average, finally, activities lasting 4 to 5 days account each year for the lowest share.

The table below focuses on continuous training activities and, as data is available, also presents the absolute numbers of activities next to the percentages.

*Table 7: Number of continuous training activities, by duration (2011-2017)*

	2011	2012	2013	2014	2015	2016	2017
< 6 hours	N/D	318 (17%)	669 (27%)	681 (26%)	770 (27%)	717 (20%)	1 054 (28%)
1 day	N/D	601 (32%)	675 (28%)	810 (30%)	822 (30%)	987 (27%)	1 116 (30%)
2 days	N/D	435 (24%)	518 (21%)	539 (20%)	520 (19%)	685 (19%)	700 (19%)
3 days	N/D	203 (11%)	212 (9%)	305 (11%)	286 (10%)	769 (21%)	457 (12%)
4-5 days	N/D	177 (9%)	126 (5%)	191 (7%)	250 (9%)	279 (8%)	280 (7%)
> 5 days	N/D	126 (7%)	227 (10%)	147 (6%)	136 (5%)	177 (5%)	136 (4%)
Total	N/D	1 877 (100%)	2 438 (100%)	2 673 (100%)	2 784 (100%)	3 614 (100%)	3 743 (100%)

<sup>98</sup> We merged the data for 2-days and 3-days activities because the 2012 AJTR does so and we could not obtain the exact number for each of the two categories. In the following table, on continuous training activities, those two data are distinguished.

<sup>99</sup> It should be noted that the figures for 2017 do not add up to 100%. This is due to an incomplete data set provided by the Commission, which is beyond the remit of the study team. This issue was flagged to the Commission by call on 22<sup>nd</sup> March.

Source: Deloitte based on European Commission's data

It follows from the table above that short-term (less than 6 hours) continuous training activities have been increasing during the years halfway through the Strategy's life so far, then have decreased from 2015 to 2016, and finally hit a new record in 2017. Overall, the number of continuous training activities lasting 1 or 2 days has been rather constantly increasing from 2011 all the way to 2017; these activities, together with those lasting less than 6 hours, have been accounting for 66 to 77% of the total number of continuous training activities, which leads to the conclusion that legal practitioners tend to take part in short-duration rather than long-duration activities. Indeed, the share of activities lasting more than 3 days has always been around 24 to 27% of the total number of activities (except in 2016, when this figure reaches 34% thanks to 3-days long activities increasing from 10 to 21%, only to drop back to 12% in 2017). More specifically, the longest types of activities (4-5 days or more than 5 days) have never accounted for more than 16% of the total.

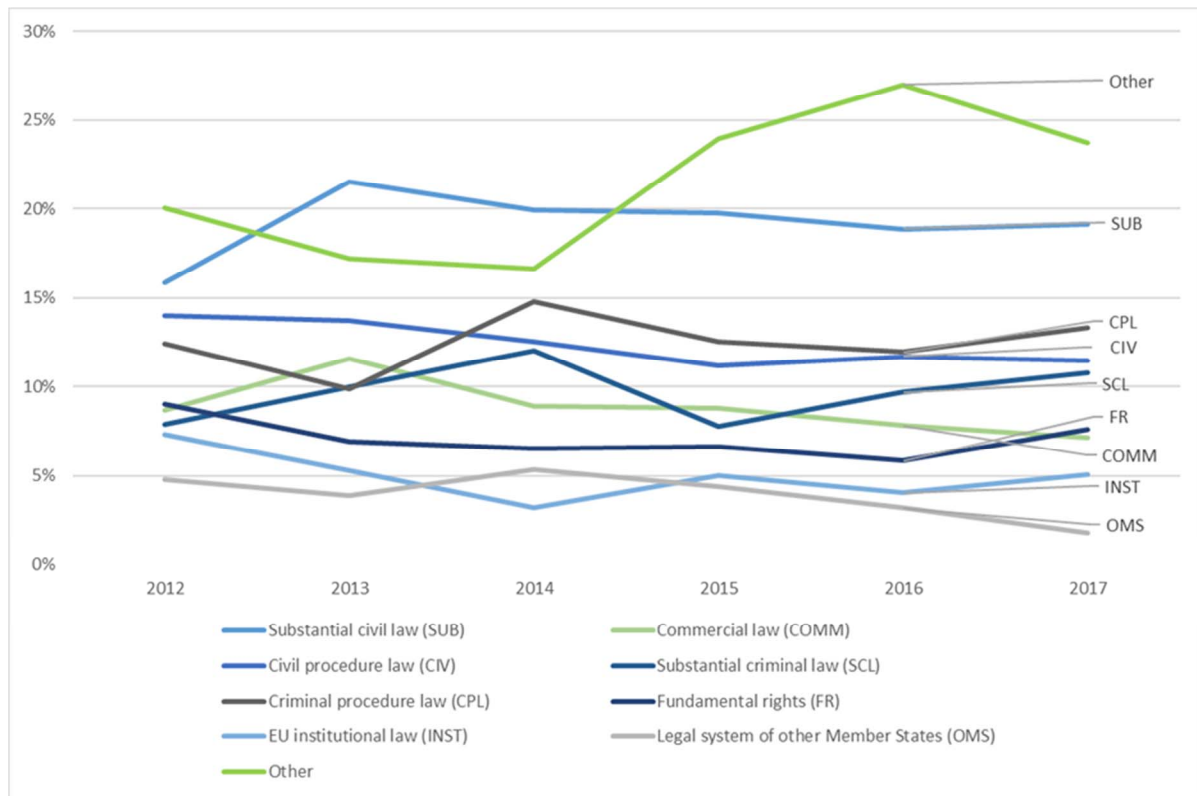
Overall, participants have been trained on a wide range of **legal areas** involving EU law, namely: substantial civil law, civil procedure law, substantial criminal law, criminal procedure law, commercial law, EU law of fundamental rights, EU institutional law, and law of other Member States. Less focused activities, classified as "other activities", are in fact the majority. The table below illustrates the number of training activities by legal area, and the chart below provides a progression overview.

*Table 8: Number of training activities by legal areas (2011-2017)*

	2011	2012	2013	2014	2015	2016	2017
Substantial civil law	N/D	238	468	586	488	731	862
Commercial law	N/D	130	252	261	217	303	323
Civil procedure law	N/D	210	299	368	276	453	515
Substantial criminal law	N/D	118	217	353	192	376	486
Criminal procedure law	N/D	186	215	435	309	463	599
Fundamental rights	N/D	135	151	193	165	227	344
EU institutional law	N/D	110	115	95	124	157	229
Legal system of other Member States	N/D	72	85	158	109	124	81
Other	N/D	300	375	490	591	1 043	1068

Source: Deloitte based on European Commission's data

Figure 8: Proportion and evolution of activities per law area



Source: Deloitte based on European Commission's data

Civil law has been the primary area of focus: almost 1 400 activities between substantial and procedural civil law have been organised in 2017, and one can observe a rather constant pattern throughout the years after a steep increase in substantial civil law from 2011 to 2012. Criminal law also emerges as the target of a significant number of activities (almost 1 100 in 2017), although the number of activities in both substantial and procedural civil law has been fluctuating over the years.

As regards **EU funding programmes**, over the 2011-2017 period the main source of EU funding for judicial training in the entire EU have been the Civil Justice and Criminal Justice Programmes (until 2014) and then the Justice Programme from that year onwards, followed by the Erasmus+ Programme (Jean Monnet), the European Social Fund, the Rights, Equality and Citizenship Programme, and the Hercule III Programme. The whole Western Balkan region and Turkey were targeted by funds allocated by the Instrument of Pre-Accession Assistance (IPA), and specifically within the Multi-country Programme and the Multi-beneficiary Programme, focusing in 2017 on workshops and training on cybercrime<sup>100</sup>. All in all, the Justice Programme allocated 37.5% of its initial budget for 2014-2020 to the specific objective "Judicial Training" (of which 15.4% in action grants and 21.6% in operating grants). The specific objective "Judicial Training" was also the one with the highest commitment rate amongst the four included in the Justice Programme.<sup>101</sup> A detailed overview of funds allocated via the different funding programmes to judicial training is included in Section 4.2.2.1 ('EU level funding allocated to training of legal practitioners').

The table below provides a year-by-year aggregate illustration of the proportion of legal practitioners trained through activities supported by EU financial contributions. Data in brackets refer to estimates based on the Annual Reports on European Judicial Training of the European Commission.

<sup>100</sup> See European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, IPA II, Multi-country Programme, Activity Reports for 2016 and 2017.

<sup>101</sup> COM(2018) 507 final: Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the interim evaluation of the implementation of the Justice Programme 2014-2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0507&from=EN>, p. 4.





*Table 9: Share of legal practitioners trained with EU funds*

	2011	2012	2013	2014	2015	2016	2017
Legal practitioners trained	76 834 (87 000 <sup>102</sup> )	65 645 (64 000)	107 420 (94 000 <sup>103</sup> )	132 640 (132 000)	125 046 (124 000)	143 882 (143 000)	181 986 (180 000)
Legal practitioners trained in EU-funded activities	10 000	12 600	22 000	25 000	25 000	18 444	27 259
Share of legal practitioners trained in EU-funded activities	13.7% (11.5%)	19.2% (19.7%)	20.5% (23.4%)	18.8% (18.9%)	20% (20.2%)	12.8% (12.9%)	15% (15.1%)

Source: Deloitte based on European Commission's data

Furthermore, the table below illustrates the participation by legal practitioners in training activities organised within the framework of each individual funding programme. To reflect the changes of the 2014-2020 Multiannual Financial Framework, as from 2014 data under the Civil Justice and Criminal Justice programmes refer to the Justice Programme, and data under the Fundamental Rights and Citizenship programme refer to the Rights, Equality and Citizenship Programme (REC). We note that the funds allocated under the Civil and Criminal Justice programmes accounted for the highest share of participants, all the more so after these two programmes merged together into the Justice Programme. We note that in 2017 the share of funding provided by the Justice Programme dropped by 14.4% compared to the previous year (from 78.8 to 64.4%), due to the share of the ESF rising to 21.2% (almost reaching the 2014 share).

*Table 10: Share of participants per EU financial programme (2011-2017)*

Programme	2011	2012	2013	Programme	2014	2015	2016	2017
Civil Justice	N/A	22%	10.8%	Justice Programme (including EJTN and Competition) (2014-2020)	50.3%	66.5%	78.8%	64.4%
Criminal Justice (including EJTN)	N/A	28.5%	23.5%					
Education & Culture	N/A	13.6%	15%	Education & Culture	11.1%	13.6%	13.7%	13.7%
Progress, Anti-discrimination, and Equality	N/A	5.9%	3.6%	Not applicable				
Fundamental Rights and Citizenship	N/A	4.7%	9.4%	Rights, Equality and Citizenship (REC) (2014-2020)	2.4%	2.3%	N/A	N/A
European Social Fund (ESF)	N/A	4.8%	24%	European Social Fund (ESF)	25.5%	11.7%	N/A	21.2%
OLAF (Hercule III)	N/A	4.5%	6.3%	OLAF (Hercule III)	4.3%	2.1%	1.1%	0.6%
Other	N/A	9.7%	4.4%	Other	6.6%	3.8%	6.3%	0.1%

Source: Deloitte based on 2011-2018 AJTRs.

<sup>102</sup> In 2012 (2011 data), the Commission added the number of trained practitioners according to the data reported by the stakeholders and the number of trained practitioners under EU financial support. This was not repeated in the following years to eliminate the too high risk of double counting.

<sup>103</sup> The difference come from an excel formula bug which led to some training practitioners not being counted in 2013. The data in bracket is therefore underestimating the correct number.

## Activities of the EC, EJTN, ERA and EIPA

This subsection provides a description of the main activities organised by the European Commission over the period 2011-2017 in the context of EJTS, and of the judicial training activities delivered in 2011 and 2017 by the following EU-level organisations: EJTN, ERA and EIPA. We provide the data for those two years in order to enable a comparison between the Strategy's initial year and the situation at present time.

### European Commission

As mentioned in Section 3.3 ('Functioning and implementation of the Strategy') above, the Commission mainly discharged a **coordinating role** within EJTS. First of all, the Commission published the Strategy's main strategic act, that is, a Communication outlining the objectives and content of EJTS<sup>104</sup>. Then, the Commission has been organising annual conferences involving the stakeholders active in the area of judicial training. An example is the 2015 conference "**European cooperation on judicial training for court staff and bailiffs**", held in response to the calls for more targeted training for court staff and bailiffs, in order to identify shortcomings in training and encourage cooperation between the two professions.

Another crucial activity within the Strategy's governance has been the organisation of the meetings of the **Expert Group** on European Judicial Training and of the Commission's **Inter-Service Group**. Moreover, within its monitoring role, the Commission in 2011 started publishing its **AJTRs** summing up the main achievements for EU judicial training each year, and providing statistical data and analysis broken down per justice professional and Member State.

Importantly, the Commission took steps to spread **best practices**, an example of which is the 2016 Advice for Training Providers on European judicial training, developed on the basis of the discussion of the 2015 session of the Expert Group on judicial training. The Commission also published for the first time a presentation on best practices on the training of legal practitioners in 2016, followed by a new edition in 2017.

The Commission was also active in providing **financial support** to judicial training. By way of action and operating grants awarded (even before the adoption of the Strategy in 2011) to national, EU-level networks, and training providers, the Commission increased funding opportunities from the EU for judicial training providers. This allowed the number of legal practitioners trained with EU funds to grow according to the following trend<sup>105</sup>:

- 10 000 in 2011 (11.5% of all practitioners trained in 2011);
- 12 600 in 2012 (19.7% of all practitioners trained in 2012);
- 22 000 in 2013 (20.6% of all practitioners trained in 2013);
- 25 000 in 2014 (18.9% of all practitioners trained in 2014);
- 25 000 in 2015 (20.2% of all practitioners trained in 2015);
- 18 444 in 2016 (13.5% of all practitioners trained in 2016);
- 27 259 in 2017 (15% of all practitioners trained in 2017).

### EJTN

Following the success achieved in the previous years, EJTN continued to organise the **Judicial Exchange Programme**, which in 2011 consisted of four main types of activities for judges and prosecutors:

- 5 to 10-days long short-term exchanges involving 545 participants, meant to enable judges and prosecutors to familiarise with their colleagues' work in other Member States;
- long-term exchanges for 11 participants, lasting 3 months to 1 year, allowing judges and prosecutors to take part in a long-lasting training experience at EUROJUST, the CJEU or the ECHR;
- 6 study visits in the same institutions, lasting 2 to 5 days, for 118 participants; and

<sup>104</sup> COM (2011) 551 final: Building trust in EU-wide justice – A new dimension to European judicial training.

<sup>105</sup> The absolute numbers of legal practitioners come from the AJTRs. The percentages have been calculated against the figures on total population included in the Commission's raw data.

- Two series of initial training exchanges for future judges and prosecutors in 15 Member States, involving 254 participants.

In 2017, as far as the Judicial Exchange Programme is concerned, EJTN organised activities for 1 218 participants from 26 Member States, which implies a significant increase compared to 2011. Exchanges consisted of either individual or group activities in foreign courts and prosecution offices. Within EJTN's exchange programme, 12 specialised exchanges were organised in 2017: 2 of them were on border management and criminal matters, 3 on financial and banking law, 4 on civil and commercial law, and 1 on family law. Moreover, one can see that EJTN's AIAKOS Programme focused this year on counter-terrorism and asylum-related matters.

Besides its exchanges, EJTN has been an active entity in the organisation and delivery of training activities. In 2011, EJTN organised a high number of activities in the framework of **EJTN Catalogue**<sup>106</sup>, involving national training providers and EJTN partners as well. Moreover, EJTN launched **EJTN Catalogue+**<sup>107</sup>, which accounted for a total of eight activities as pilot projects, lasting from 1,5 to 4,5 days, on EU aspects of civil and family law, data protection, and cross-border criminal law (including judicial cooperation). Also in 2011, EJTN continued to hold the **THEMIS competition** for judicial trainees, consisting of two semi-finals and one final, for a total of 12 days.

EJTN also set up four 2-days highly specific **independent seminars** on human rights law and judicial cooperation in civil and criminal matters, backed by four 3-days long, interactive seminars, based on practice-oriented simulations of judicial cooperation in the framework of the **Criminal Justice I Project**. In the context of EJTN's **Trainers' Forum**, EJTN organised a seminar on "Methodologies and brainstorming in the framework of judicial training", followed by a final conference. In the field of **linguistic training**, EJTN organised three 5-days, face-to-face training seminars that relied on online tools to let practitioners get acquainted with the legal terminology involved.

Excluding judicial exchanges, in 2017 EJTN organised 54 **independent seminars** on various legal topics. It is worth pointing out that the number of independent seminars increased greatly compared to 2011. Indeed, EJTN organised four 1,5-days long seminars on administrative law, consisting of lectures and case-based workshops. A similar structure was put in place in the 6 civil law seminars, each of them lasting 2 days. In addition, 18 seminars on criminal justice were organised, consisting of presentations and, in some cases, moot court simulations. EJTN organised three seminars on human rights and fundamental rights, again consisting of lectures followed by practical workshops and case discussion. The 2017 edition of the THEMIS Competition consisted of five events focusing on judicial cooperation in civil and criminal matters. EJTN's linguistic programme was particularly enriched compared to 2011, with 10 sessions lasting 4,5 days each, among which one 6-week training on judicial cooperation and four specialised seminars on matters as varying as data protection, competition law, asylum and cybercrime – the latter two being again a focus of the year 2017. Moreover, EJTN organised 8 seminars for trainers in judicial training, covering judicial training methodologies and tools.

From the 28 seminars organised in 2017 by EJTN Member institutions in the framework of its **Catalogue+** programme (a clear increase from the beginning of the Strategy), one can notice that the focus shifted towards contemporary criminal matters and asylum, especially compared to 2011. Indeed, six seminars were organised on counter-terrorism and cybercrime, and four on administrative issues in asylum procedures. Then there were *inter alia* nine seminars on civil and commercial law, including labour law and family law, two on human rights law and three on procedural matters in civil and criminal law. EJTN also kept on with its **Catalogue** programme involving EJTN's training institutions: the programme delivered 143 training activities on a large spectrum of legal areas<sup>108</sup>.

Technological improvements were also targeted by EJTN in 2017, with the provision of four specialised blended learning modules, three of which covering language training on civil law,

<sup>106</sup> EJTN's Catalogue has existed since 2003. It includes the training activities organized and selected by EJTN's Members and offered to the entire judiciary of the EU Member States. See: <http://www.ejtn.eu/Catalogue/EJTNS-searchable-database/>

<sup>107</sup> See: <http://www.ejtn.eu/About-us/Projects--Programmes/Catalogue/>

<sup>108</sup> EJTN's 2017 Annual Report, p. 53.

criminal law and human rights law. EJTN's first two pilot webinars were also made available in 2017, on the European Investigation Order and on the Brussels II bis Regulation. Turning to learning materials, EJTN published in 2017 handbooks on the vocabulary of human rights law, competition law and cybercrime, as well as Guidelines for the evaluation of judicial training practices.

## ERA

In 2011, ERA organised a total of 137 training events of various kind<sup>109</sup>. In the context of its **open programme**, first, ERA launched a project on EU legislation in the field of cybercrime, and a project on the use of ICTs in legal proceedings, each consisting of three seminars. Several seminars were also organised on a broad range of topics such as banking law, insurance law, food law, social security, ECHR law and procedure, and EU procedural law and judicial remedies. In parallel, ERA's **regular programme** was broadened to include one annual conference to have a highly technical training on a broad range of EU law topics.

In 2017, the total number of training activities organised by ERA increased to reach 158<sup>110</sup>. To start with, ERA's 10 annual conferences covered a broad range of legal areas. Next, ERA was particularly active in organising more than 40 training events, lasting mostly 2 days. Out of those, eleven events were organised on administrative law (mostly environmental law, but also competition and State aid), eight on procedural aspects of EU law, six on human and fundamental rights, five on banking and financial law, four on civil and labour law, and three on criminal law (including cybercrime).

In 2011, ERA also organised a series of **summer courses** for young and less-specialised professionals in the areas of EU constitutional law, tax law, competition law, intellectual property law, private law, criminal justice and labour law. ERA also continued to offer the so-called "**ERA Briefings**", a series of monthly events on new developments of EU law, as well as individual events focusing on EU institutional law, financial law and law enforcement cooperation. Two conferences were held on migration law, and one on damages in competition proceedings. Moreover, seminars were organised under the auspices of the then Polish Presidency on data protection, fundamental rights and citizenship, EU patent law, and legal aid in criminal proceedings<sup>111</sup>.

ERA also developed projects mandated by the EU institutions, such as two series of training seminars on anti-discrimination law, two events on financial crimes and fraud funded by OLAF, and one conference on EU telecommunications law organised on behalf of the Commission. Moreover, ERA organised six half-day training sessions on IP law for officials of at that time Office for Harmonisation in the Internal Market (OHIM, now EUIPO), training series on new types of crimes on behalf of the Commission's TAIEX Office and DG Enlargement, and one training event with eight workshops on economic crimes for EU magistrates.

ERA organised training **specific for judges and prosecutors**, including two 2-weeks seminars on EU criminal justice instruments for newly appointed practitioners, one seminar on competition law in the pharmaceutical sector, and three national seminars on substantive and procedural competition topics. Four seminars combining theory and practice-oriented work were organised criminal justice cooperation instruments in the four "Visegrad" countries. ERA also dealt with (then) candidate countries by organising for **Croatian** judges one seminar under the "train-the-trainer" formula, and a series of seminars on various legal topics; also, two seminars on transnational crimes were held in **Moldova**. Attention was paid to **private lawyers**, first, with a project on EU criminal justice instruments consisting of two seminars in 2011; second, with a series of 1-day courses on tax and insolvency law, and other seminars, usually lasting 2 days, in cooperation with national bar associations.

In 2017, ERA continued to organise summer courses for any participants on a broad range of law topics, as well as short courses for lawyers, focusing mainly on taxation. Moreover, ERA continued to make progress with its four long-running projects on judicial training, organising a total of 15

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<sup>109</sup> ERA's 2011 Annual Report, p. 9.

<sup>110</sup> ERA's 2017 Annual Report, p. 23.

<sup>111</sup> ERA's 2011 Annual Report, pp. 37-38.

training seminars in the framework of the projects on anti-discrimination and human rights law. In addition, a total of 13 training seminars were organised to further advance projects on civil law and one cooperation project with the Visegrad countries.

In 2011, by renovating its **e-learning** platform, ERA was able to provide seven introductory courses on a blended learning package and started developing an online course for OHIM. ERA e-learning efforts also included a course on competition law and one on the preliminary reference procedure, as well as a number of streamed presentations on various EU law topics. In 2017, ERA increased its provision of e-learning tools, as a total of 11 e-modules were offered covering civil and commercial law, fundamental and human rights, as well as modern criminal law issues with a cross-border perspective (i.e. human trafficking). In 2017, ERA stepped up its technological efforts by delivering as many as 67 e-presentations based on speeches by scholars and practitioners. Out of those, nine were held on environmental law, 19 on other areas of administrative law (consumer law, competition law, data protection, health taxation and food law), 25 on civil and commercial law, including family law and labour law, 7 on migration law, and 3 on human rights law. ERA also made available five webinars focusing on competition law and the role of the CJEU in criminal matters.

Turning to **training materials**, in 2011 ERA kept developing ERA Forum, i.e. the Academy's law journal, as its main scientific information tool. In 2017 ERA continued to publish this journal, and also issued two language training manuals on civil procedure (backed by a training package from a 2016 project), as well as 2 training modules on environmental law.

## EIPA

EIPA organised 88 training activities in 2011<sup>112</sup>. Out of those, 13 were **open seminars**, which covered procedural and substantive aspects of EU institutional law (with a focus on the situation after the signing of the Lisbon Treaty, backed by another 3-days seminar on the same issues delivered to Eurojust), and included one seminar on financial law. Out of these 88 activities, EIPA then organised 63 contracted training activities in the framework of 6 contracts it had entered into in the previous years. All in all, 22 of these activities were held in the Western Balkan countries and Turkey on the implementation of EU law and judicial cooperation. Out of the 63 contracted activities, 34 were delivered by EIPA to **EU institutions officials**. Such activities covered basic concepts of EU law, institutional law, practical seminars on latest EU law developments, and specialised seminars on legal reasoning and research; EIPA also organised two training modules and five 2,5-days workshops on EU environmental law.

EIPA also started **new contracts and projects** in 2011. In the field of judicial training, EIPA organised seven 1- and 2-days exchanges for South Korean judges in courts of EU Member States, and then entered into a new contract award by the Commission to an EIPA-led consortium, which foresaw one seminar on the changes brought about by the Lisbon Treaty.

In 2017, EIPA organised seven training courses aimed at practitioners in general, including non-lawyers, in the areas of EU institutional law and procedures before the CJEU, financial and administrative law. A significant share of EIPA's courses was aimed at EU officials in various institutions: indeed, 10 training courses were organised for officials from the European Commission, the European Parliament, and the Council of the EU. Such courses focused on institutional aspects of EU law (including the "four freedoms") and judicial cooperation.

EIPA was also responsible for delivering practical workshops in cooperation with national institutions. Eight courses and a total of 11 seminars were organised covering EU substantive and procedural institutional law, EU constitutional law, data protection and criminal law. In this framework, EIPA also organised a workshop for trainers on how to train practitioners on judicial cooperation instruments.

As far as **e-learning** is concerned, in 2011 EIPA continued to offer the online version of Master in European Legal Studies (MELS) in partnership with the University of Nancy II. This online Master offers a number of online and face-to-face learning modules on EU law. In 2017, EIPA increased its e-learning offer with several modules made available on a variety of EU law topics. EIPA also

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<sup>112</sup> EIPA's 2011 Annual Report, p. 26 (we reached 88 by subtracting non-training activities from the reported 102 activities).

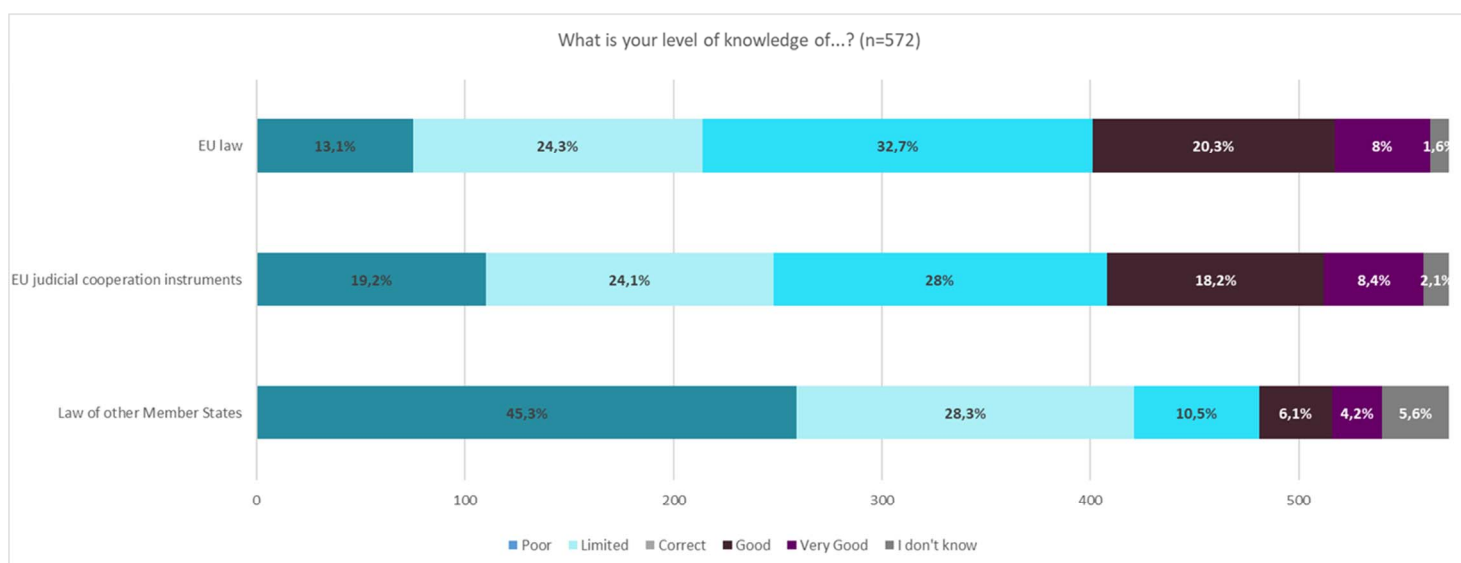
introduced an e-module on the EU foreign policy, and continued to offer its Online Master course on EU Studies in cooperation with the Université de la Lorraine. As for training materials, EIPA published two practical guides on EU institutional law.

### 3.4.2.2 Indicators related to the European judicial culture: knowledge and mutual trust

In 2018, the European Commission launched an Open Public Consultation (**OPC**)<sup>113</sup> and a Targeted Consultation (**TC**)<sup>114</sup> as part of the evaluation of the Strategy. These consultations included some questions aimed at assessing the levels of knowledge of EU law and mutual trust among justice professionals. While the OPC was intended for anyone having an interest or experiences to share in judicial training, the TC was particularly directed at the stakeholders of European judicial training (training providers at national and EU level, associations of justice professionals, ministries...). This section is mainly built on the analysis of these consultations and of the insights gained during our fieldwork and phone interviews.

A brief note is needed on the **representativeness of these two consultations**. Respondents to the OPC (572) represent no more than 0.5% of justice professionals in the EU (half of which were judges and prosecutors). To be noted as well is a slight geographical imbalance among the respondents to the OPC: 30% of the respondents were from Germany<sup>115</sup>, 20% from Italy<sup>116</sup> and 9% from Spain<sup>117</sup>. In the TC however, respondents were more evenly distributed among Member States (19% from Spain, but 7 to 9% from Croatia, France, Germany, Ireland and Italy).

Figure 9: OPC respondents' level of knowledge of EU law



Source: 2018 Public Consultation of the European Commission<sup>118</sup>

<sup>113</sup> European Commission (2018), Open Questionnaire, available at : [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247_en)

<sup>114</sup> European Commission (2018), Targeted Questionnaire, available at : [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247_en)

<sup>115</sup> German legal practitioners represent 16% of all EU legal practitioners and German judges represent 23% of all EU judges in 2016.

<sup>116</sup> Italian legal practitioners represent 17% of all EU legal practitioners and Italian judges represent 8% of all EU judges in 2016.

<sup>117</sup> Spanish legal practitioners represent 12% of all EU legal practitioners and Spanish judges represent 6% of all EU judges in 2016.

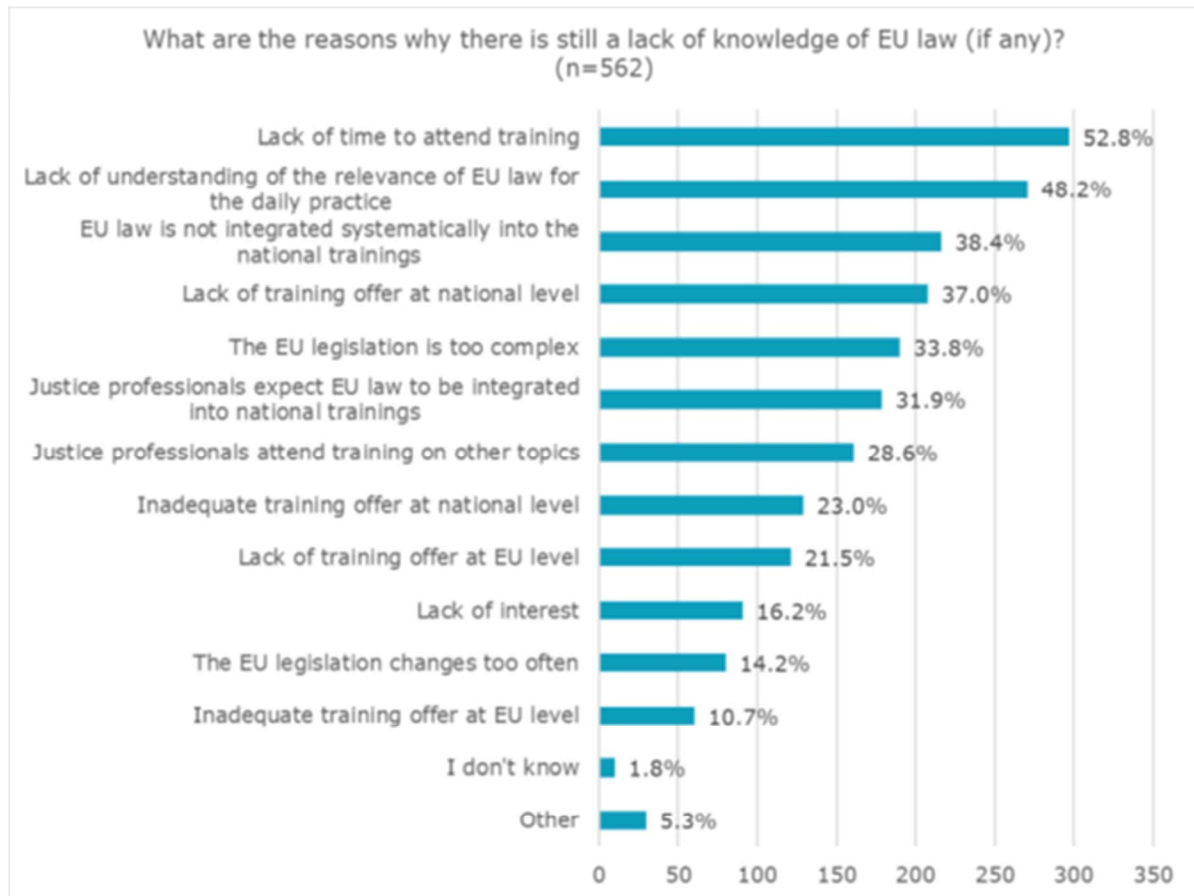
<sup>118</sup> Available at: [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247_en)

Results from the OPC show that only around 28% of respondents have good or very good knowledge of EU law and EU judicial cooperation instruments, and only 10% of them know well or very well the legal system of another Member State.

The table below provides an overview of the main reasons that explain this lack of knowledge according to the respondents.



Figure 10: Main reasons for persisting lack of knowledge of EU law according to OPC respondents



Source: 2018 Public consultation of the European Commission

As the figure shows, the two main reasons lie, according to the respondents, in the lack of time to attend EU law training, and in the many practitioners' difficulty in understanding the relevance of EU law in daily practice (around 50% of the respondents pointed to both reasons). The lack of understanding of the relevance of EU law among some practitioners for their daily practice<sup>119</sup> is a very different argument, and signals the need for a change in practitioners' attitude towards EU legal rules and principles.

An interesting picture emerges from the analysis of the competences of judges active in competition law. In 2016, a study mandated by the European Commission<sup>120</sup> assessed the training needs of competition law judges. The study used surveys targeting judges working in competition law. Generally speaking, the study found that the level of knowledge of EU competition law issues and procedures is on average higher among judges working in courts or court chambers specialised in competition law (in those Member States where they exist)<sup>121</sup>. 79% of the specialised judges responding to the survey declared to have at least a satisfactory knowledge of EU law and EU competition law, compared to 68% of responding non-specialised civil judges. As for procedural aspects, far more specialised judges (41%) than non-specialised judges (16%) declared to know how to apply the reporting procedure with the Commission applicable to national judgments involving EU competition law. Specialised judges are also more familiar with the procedure for a preliminary ruling (75%) than non-specialised judges are (60%).

Knowledge of the law of other Member States is also impacted by the command of **foreign languages of legal professionals**. This may also lead to issues with cross-border cooperation

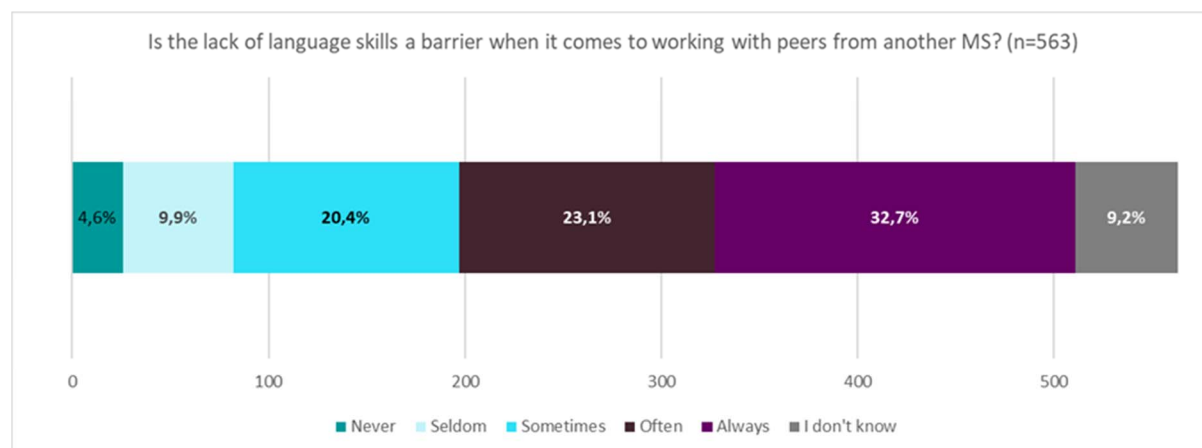
<sup>119</sup> See 48.2% of respondents in the above graph.

<sup>120</sup> European Commission, Study on judges' training needs in the field of European competition law, Final report, 2016.

<sup>121</sup> Ibid., pp. 60 and following.

and mutual trust, as proficiency in foreign languages helps understand foreign decisions and the judicial culture behind them. The following table, based on the Commission's OPC, shows the percentage of the respondents perceiving that scarce knowledge of foreign languages is an obstacle when working in a cross-border scenario.

*Figure 11: Perception of OPC respondents on lack of foreign language skills being a barrier to cross-border cooperation*



Source: 2018 Public Consultation of the European Commission

The 2016 Study on the training needs for competition law judges<sup>122</sup> showed that command of English is overall better among judges working in competition law, especially those hearing cases in specialised courts or chambers (more than 70% of the respondents to the 2016 survey) compared to non-specialised judges (less than 70%).<sup>123</sup> Still, while it is generally accepted that English serves very well the purpose of ensuring cross-border training, many judges working in this area expressed a clear preference for training in their own national language. Indeed, around 20% of responding judges working in competition law declared to have no English-language skills, a percentage rising to 30% by taking into account judges with only a very basic, not working-level, command of English.<sup>124</sup>

This data indicates that judges working in competition law are to some extent more fluent in foreign languages than the average judge. However, the 2016 Study only refers to competition law judges and is, therefore, not representative of the whole target group. Thus we are not providing an in-depth analysis of the Study's language-related findings for the following reasons. First, we could not extend those findings to all judges working in the EU; second, as the 2016 Study includes quantitative data and indicators that are not available with respect to judges working in other legal fields, this Section would result unduly unbalanced towards competition law judges.

Better knowledge of EU law and of linguistic means for understanding foreign judgments contributes towards **mutual trust** between law professionals from different Member States. Overall, respondents to our fieldwork and phone interviews in the Member States found an even stronger consensus around the idea that the degree of mutual trust increased throughout the 2011-2018 span. The vast majority of stakeholders interviewed during our fieldwork activities and phone interviews generally stressed the importance of cross-border meetings as a recognised means for enhancing mutual knowledge and thereby trust.

The abovementioned 2018 OPC reads accordingly. Only 15% of the respondents declared to have a moderate or poor level of trust in other Member States civil and criminal judicial systems, around 20% had a fair level of trust, and around 31% had a high or very high level of trust. However, this data does not allow a country-by-country analysis and is affected by a high percentage of "I do not know" (20%) and not applicable (13% in civil law and 15% in criminal law) answers.

<sup>122</sup> European Commission, Study on judges' training needs in the field of European competition law, Final report, 2016.

<sup>123</sup> Ibid., p. 68.

<sup>124</sup> Ibid., p. 296.

As already noted in the baseline, however, available quantitative data do not allow us to provide a comprehensive triangulation. This is further elaborated under Section 4.1 ('Effectiveness') below.

### 3.4.2.3 Level of recognition and enforcement of cross-border judgments

As mentioned in Section 3.4.1 ('Data on the baseline'), recognition and enforcement of judgments delivered in other Member States is **crucial to shaping a common European judicial culture** and to building a fully-fledged Area of Freedom, Security and Justice. The current situation is shaped by the adoption of the Brussels Ia Regulation<sup>125</sup>, applicable as of 2015.

One of the biggest changes brought about by this Regulation was the general abolition of the exequatur procedure that was perceived as a barrier to the enforcement of cross-border judgments<sup>126</sup> (even though Brussels I had already largely simplified the procedure). Exequatur was not only a barrier because it placed legal constraints on parties and courts, but also because of the uncertainties the exequatur procedures spawned amongst judges and practitioners, as recognised by the 2005 study mentioned in the Section 3.4.1 ('Data on the baseline')<sup>127</sup>. As recalled there, the exequatur principle has been shown to be a formality – i.e. something not hindering recognition and enforcement of judgments – in 93% of the cases on an EU basis. Only between 1 and 5% (depending on the Member State) of enforcement decisions were appealed.<sup>128</sup> It is reasonable to hold that the abolition of the exequatur procedures has led to an improvement in these already positive statistics.

The Brussels Ia Regulation is the cornerstone of EU civil judicial cooperation, but it is complemented by other legal acts regulating specific subject-matters, namely:

- Regulation 2201/2003,<sup>129</sup> mentioned in Section 3.5.1 on the baseline, on cross-border judgments related to matrimonial and parental responsibility matters;
- Regulation 4/2009<sup>130</sup> on jurisdiction, recognition and enforcement of judgments related to maintenance obligations;
- Regulation 650/2012,<sup>131</sup> on jurisdiction, recognition and enforcement of judgments related to succession;
- Regulations 2016/1103<sup>132</sup> on jurisdiction, recognition and enforcement of judgments related to matrimonial property regimes; and 2016/1104<sup>133</sup> on jurisdiction, recognition and enforcement of judgments related to the consequences of registered partnerships

In 2015, Deloitte conducted an evaluation of the Brussels II *bis* Regulation for the European Commission<sup>134</sup>. One of the takeaways of this study was that, whilst the Regulation is considered as

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<sup>125</sup> Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).

<sup>126</sup> See Commission Staff Working Paper, Impact Assessment accompanying the Proposal for the recast of Regulation 44/2001, pp. 11-14.

<sup>127</sup> See above. University of Heidelberg, Study JLS/C4/2005/03 – Report on the Application of Regulation Brussels I in the Member States.

<sup>128</sup> 2005 Study on the Brussels I Regulation, p. 71. See also a country-by-country overview in the report by the Center for Strategy and Evaluation Services, Data Collection and Impact Analysis – Certain Aspects of a Possible Revision of Council Regulation No. 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters ('Brussels I'), p. 22.

<sup>129</sup> 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, repealing Regulation (EC) No 1347/2000.

<sup>130</sup> Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

<sup>131</sup> Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

<sup>132</sup> Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes.

<sup>133</sup> Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships.

<sup>134</sup> European Commission, Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment, Final Report, Evaluation, p. 33.

an effective instrument for facilitating enforcement of cross-border judgments in matrimonial matters and matters of parental responsibility, two different categories of hurdles still persisted. First, institutional hurdles, depending on legal provisions of the Regulation or the law of Member States, which limit cross-border circulation of judgments but do not depend on the practitioners' ability or preparedness to apply the rules<sup>135</sup>. The proposal by the European Commission for a recast of this Regulation has also reached such conclusions<sup>136</sup>. Second, hurdles linked to the practitioners' knowledge and/or understanding of the rules.

As regards the latter type of obstacles, the study found that:

- Lack of or inappropriate hearing of the child in matrimonial and parental responsibility proceedings is the most frequent ground for refusal of recognition of foreign judgments. It depends on diverging practices used by Member States authorities to ensure hearing of involved children, and it has been ultimately recognised as an issue related to mutual trust between national judicial authorities<sup>137</sup>;
- Lack of awareness and training in the system of certificates for the recognition of judgments can be a problem. While 61% of respondents to the European Commission's 2014 public consultation on the functioning of the Brussels IIa Regulation stated that the system of certificates for the recognition of judgments works well, it was pointed out that some practitioners are not fully aware or trained in the functioning of the system<sup>138</sup>, and that recognition and enforcement can be delayed due to language barriers<sup>139</sup>;
- The non-homogeneous notions of "recognition" and of "enforcement" across the EU Member States have led to some judgments not being recognised or enforced whereas they should have been<sup>140</sup>;
- Sometimes judges in the receiving Member State review the substance of the foreign judgment, which they are not allowed to do<sup>141</sup>.

Overall, however, very few cases of non-recognition were reported, namely only five on matrimonial matters, and sixteen on parental responsibility across the EU<sup>142</sup>. As regards enforcement, this is hindered mainly by legal procedures and, to a lesser extent, by some lack of knowledge and training on relevant provisions. Despite the general success of the Regulation, the majority of the respondents to the European Commission's 2014 Public Consultation on the Brussels IIa Regulation believe that enforcement should be improved<sup>143</sup>. These are also the findings of the European Commission's proposal for the recast of the Brussels II bis Regulation. The proposal acknowledged the need for training of judicial practitioners on the provisions of the Regulation, especially in the light of the proposed amendments<sup>144</sup>, but did not find any

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<sup>135</sup> This is mainly due to the need to follow exequatur proceedings in some cases. See *ibid.*, p. 35. 68% of the respondents (legal practitioners) to the European Commission's public consultation think that the exequatur procedure should be completely abolished in matrimonial and parental responsibility matters. Sometimes enforcement is blocked or delayed because of differing enforcement procedures and criteria across Member States, see *ibid.*, pp. 71-73. See also European Commission, Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment, Final Report, Analytical Annexes, pp. 152-153.

<sup>136</sup> COM(2016) 411/2, European Commission, Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast).

<sup>137</sup> European Commission, Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment, Final Report, Analytical Annexes, pp. 57-58.

<sup>138</sup> *Ibid.*, pp. 61-62 and 166-167. Respondents who thought that the system of certificates does not work properly were asked to suggest solutions. Solutions included increasing information and providing training to professionals to enhance knowledge of the mechanism but also to ensure clear and accurate completion of the certificates. Sometimes enforcement is blocked or delayed because of differing enforcement procedures and criteria across Member States, see *ibid.*, pp. 71-73.

<sup>139</sup> *Ibid.*, p. 63.

<sup>140</sup> European Commission, Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment, Final Report, Analytical Annexes, pp. 67-68.

<sup>141</sup> European Commission, Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment, Final Report, Evaluation, p. 35. Article 31(3) of Regulation 2201/2003 prevents judges from reviewing the merits of the decision.

<sup>142</sup> On matrimonial matters: 1 from Austria, United Kingdom and Germany, 2 from France; on parental responsibility: 2 from Austria, 12 from the United Kingdom, 4 from Germany.

<sup>143</sup> Results of the European Commission's public consultation, see Deloitte Final Report, Analytical Annexes, pp. 155-157.

<sup>144</sup> European Commission, Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), p. 12.

enforcement issues specifically caused by poorly trained legal practitioners, beyond those identified above.

# 4 Answering the evaluation questions

This section provides our answers to the evaluation questions based on a thorough analysis and triangulation of the data gathered through the different data collection activities.

## 4.1 Effectiveness

The assessment of **effectiveness** looks at the extent to which the Strategy has succeeded in meeting its objectives.

Overall, the implementation of the Strategy has resulted in **some clear improvements concerning judicial training on EU law**.

Annual data illustrates an ever-increasing growth in the number of training activities and beneficiaries of training activities across all target groups. Although some external factors may also be at play, the Strategy has contributed to increasing knowledge on EU law while reinforcing mutual trust between legal practitioners. The main activity of the Strategy felt by stakeholders however is undoubtedly the support provided through funding. Other activities of the Commission, such as annual conferences, networking events, promotion of materials on the European e-Justice Portal are generally appreciated by stakeholders but are not as well known or perceived to have such a high impact as the funding.

At the same time, the achievement of the Strategy's objectives is limited by some obstacles: still, the lack of understanding of the relevance of EU law among some legal practitioners, the perception of the time invested in training as a loss, legal practitioners' language barriers and limited awareness of the European e-Justice Portal, amongst others.

This chapter presents the detailed findings of the evaluation of the effectiveness of the European Judicial Training Strategy in several steps. First, the achievement of the operational objectives is assessed through the main outputs of the Strategy in terms of the activities of the Commission, training institutions and funding programmes. The assessment of the achievement of the specific objectives and general objectives follows.

### 4.1.1 Achievement of the operational objectives

The operational objectives of the Strategy set out in the Intervention Logic are to:

- contribute to an increased number of judicial training activities on EU law;
- contribute to an overall increase in the number of beneficiaries of training activities o, i.e. train more than 20 000 legal practitioners supported by EU financing per year by 2020, and half of all legal practitioners taking part in at least one European judicial training session or exchange by 2020, and all legal practitioners benefit from at least one week's training in EU law during their career;
- contribute to an increased reach of activities;
- contribute to an improvement of national training programmes and regulations, e.g. by integrating EU law into national curricula, ensuring mutual recognition of training attended abroad;
- contribute to an improved capacity of training providers, e.g. by strengthening the EJTN as well as encouraging consortia and PPPs;
- contribute to an improved quality of training on EU law;
- support training on legal terminology of foreign languages.

**The operational objectives of the Strategy have been achieved to a good extent.**

The **number of judicial training activities** has increased overall since the adoption of the Strategy. There has been a positive evolution in terms of the number of initial and continuous training activities organised since 2011, illustrating the positive effect of the Strategy. In

particular, the number of continuous training activities has increased from 1 741(2011) to 3 743 (2017). However, further training activities could be organised, notably cross-border exchanges.

The Strategy has successfully contributed to the **increase in training on EU law** of most of the targeted legal practitioners. Over the 7 years, all legal practitioners, with the notable exception of court staff, have reached the annual 5% target of trained practitioners per profession, which is required so that the objective of training 50% of the legal practitioners over the 10 years is reached. The Strategy has indeed met its objective of **training half (i.e. 700 000) of all legal practitioners in the EU**, as more than 830 000 legal practitioners have been already trained.

The **reach of training activities** has been increased. The Strategy has managed to reach **all groups of legal practitioners**. However, the language barrier prevents some legal practitioners from participating in cross-border training activities, and thus hampering the effectiveness of the Strategy. In terms of **geographical scope**, the Strategy has been implemented to different extents in Member States. While some of them have put in place specific measure to address the Strategy (e.g. mandatory participation to the AIAKOS programme, dedicated personnel to implement the Strategy), in others no actions were taken due to a lack of awareness of the Strategy, or because of the perception that EU law was already being sufficiently covered by national training activities. In other countries, activities benefiting the implementation of the Strategy do exist, but it is not clear to what extent these were specifically taken because of the Strategy or not. Besides, the Strategy has not only focused on the EU Member States, but has also successfully reached candidate, potential candidate and neighbourhood countries.

The Strategy has to some extent succeeded to improve national training programmes. First, EU law is now **integrated into initial training** in most of the Member States, either as a specific module or embedded in other courses. However, some Member States still prefer to include EU law as part of the university degrees. Besides, the Strategy has also promoted the **recognition of training across border**. This objective has been achieved to a large extent for judges and prosecutors mainly. For the rest of legal practitioners (i.e. lawyers, notaries, and bailiffs) there are still some caveats, and the automatic recognition does not still take place, and thus depend on the Member States concerned. There are, however, promising ongoing efforts from for example CCBE which is currently working on automatic mutual recognition of lawyers' cross-border continuing professional development.

The Strategy has overall improved the **capacity of judicial training providers**. The Commission has reinforced its financial support to judicial training, strengthening training providers' capacity. During the period 2011-2017, the Commission has incremented its financial support to the EJTN by a yearly increase of 10 percentage points in average (compared to funding levels of 2011). Moreover, the Commission has supported training providers in developing better quality products by providing concrete guidance (either through material uploaded on the e-Justice Portal or via presentations) and reaching more participants. The Strategy has encouraged the creation of consortia or regional groups of national judicial schools. However, public-private partnerships (i.e. the collaboration between a public national training provider and a private entity) seem to have been rarely used.

Overall, we can say that the Strategy, through the identification of best training practices, the publication of the "Advice for training providers" and through funding programmes, has contributed to promoting improved **quality in judicial training**. However, there are still some obstacles hampering the delivery of high quality projects. On the one hand, the lack of coordination between the projects inhibits the reuse of outputs from previous projects and the leverage on those. On the other hand, the criteria of funding programmes does not give enough consideration to the level of language needed for a high quality training – both of the speaker and of the participants.

As for the **European e-Justice Portal**, although it has been significantly developed since 2011, its materials are not always updated and not widely used by the stakeholders, indicating a lack of awareness of the Portal, as well as a lack of engagement with its materials.

Concerning its last operational objective, although the Strategy has supported **training on legal terminology**, stakeholders consider that the lack of language skills remains a barrier when interacting with their counterparts from other Member States.

The sub-paragraphs below analyse the extent to which the Strategy has achieved these objectives.

### 4.1.1.1 Contribution of the Strategy to an increased number of judicial training activities on EU law

Unfortunately, data on the number of judicial training activities does not exist before 2011. The survey conducted in 2011<sup>145</sup> only asked respondents (judges and prosecutors) to indicate whether they had ever participated in a training activity, but not the number of activities they had participated in. It is therefore not possible to have a solid baseline for comparison purposes. Nevertheless, the monitoring data from the Commission as well as the OPC, TC and interviews with stakeholders can provide good indications of the contribution of the Strategy towards this objective.

#### Initial training activities

As explained under section 3.4.1.1 ('Data on the baseline', subsection 'EU law training activities and participants'), initial training was followed to a great extent by legal practitioners under 30 (46%) and under 40 (41%), prior the adoption of the Strategy. By contrast, the percentage decreases significantly amongst the legal practitioners above 50 (below 25%)<sup>146</sup>, suggesting a clear generational gap.

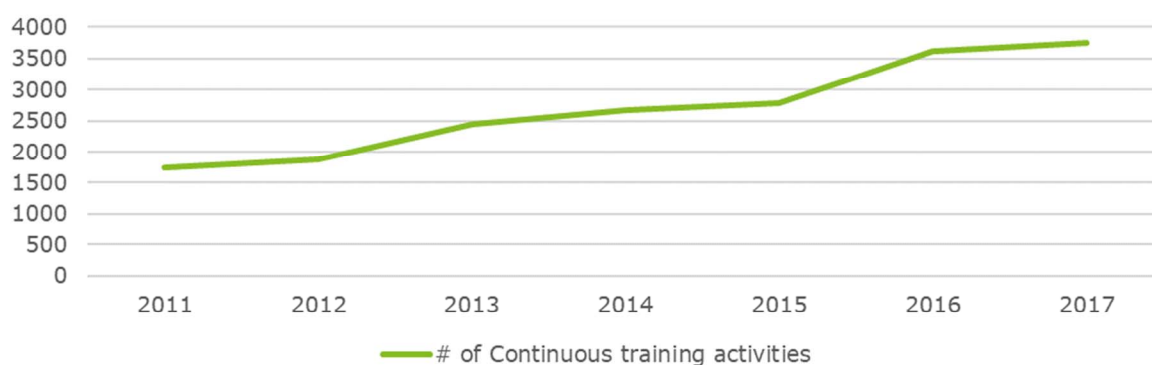
When the Strategy was adopted in 2011, 2 207 initial training activities were organised<sup>147</sup>, enabling the formation of more than 19 000 legal practitioners. Although no data on the number of initial training activities was collected in the subsequent years, it is possible to assume that the number of such activities has increased over the years based on the overall increase of legal practitioners trained under this type of training activity.

Besides, the findings of our interviews confirmed that EU law is part of the initial training for judges and prosecutors, either included in some subjects or taught as a separate one, with a few exceptions (e.g. Denmark).

#### Continuous training activities

In the Commission's **annual monitoring reports** (2011-2017)<sup>148</sup>, it is clear that the number of activities increases year-on-year, pointing to a positive effect of the Strategy. As shown in the figure below, the number of continuous training activities have grown steadily since 2011.

Figure 12: Number of continuous training activities (2011-2017)



Source: Deloitte based on European Commission data<sup>149</sup>

<sup>145</sup> European Parliament (2011), *ibid.*

<sup>146</sup> See European Parliament (2011), Directorate-General for Internal Policies, *Judicial training in the European Union Member States*, available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI\\_ET\(2011\)453198\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf), pp. 29 and following.

<sup>147</sup> European Commission data to prepare the AJTR.

<sup>148</sup> The annual monitoring reports are available at: [https://e-justice.europa.eu/content\\_the\\_european\\_judicial\\_training\\_policy-121-en.do](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do)



However, it should be noted that the annual survey has received a different number of Member State responses each year, with 2011 having the lowest response rate.

The increase in the number of training activities is attributed firstly to the improved data collection method adopted by the Commission. Secondly, the Strategy has triggered “the political message of commitment to the area of European of European judicial training”<sup>150</sup>. Besides, it has also raised interest via its AJTR monitoring the evolution of training activities. Thirdly, the increase in the number of activities reflects also the gradual increase in funding for activities on EU law (see section 4.2.2 ‘Inputs: Costs for funds supporting the implementation of the Strategy’). Lastly, interviews with stakeholders in the Member States confirm that since 2011, there has been an increased awareness of the need for and importance of training on EU law due in part to the increasing number of cross-border.

## e-learning

e-learning is also one training activity specifically mentioned in the Strategy<sup>151</sup>. Due to lack of data, it was not possible to quantify the different types of training activities that have been conducted, including the use of e-learning. However, during interviews, training providers informed us that the use of e-learning is growing. In particular, several national training providers indicated that several types of training activities might be used for one course (i.e. blended learning). For example in Ireland, the initial training for solicitors comprises live courses and online materials. Other Member States indicated they are increasingly using blended learning, such as Denmark, Czech Republic, and Cyprus. This combination of electronic learning with live courses was indicated by many stakeholders as a best practice as it can increase the impact and detainment of knowledge as well as contributing to the sustainability of learning as participants can often revisit the e-learning or online materials after the live course has finished. Although stakeholders confirm that e-learning is included in some initial training for legal practitioners, e-learning is much more prevalent in continuous training. Many stakeholders noted that for practitioners, it is important to have access to quick and easy tools that can increase their knowledge and keep them up-to-date on recent developments. In the same vein, podcasts appear to be an increasingly popular tool as they allow practitioners to learn while away from their desks.

The **contribution of the Strategy to these developments in e-learning is not clear cut**. The Strategy mentions that the Commission will “promote the development of e-learning as a flexible tool to reach more end-users”<sup>152</sup>. However, most interviewed stakeholders (both training providers and legal practitioners) do not exclusively attribute the development of e-learning to the activities of the Commission, but also to the efforts made at national level.

The Commission uses the e-Justice Portal to promote and divulgate e-learning courses. There are indeed several documents on the European e-Justice Portal<sup>153</sup> related to the use of e-learning in judicial training. There are currently three e-learning modules, seven links to e-learning modules on websites of other organisations and a number of references to e-learning modules on the EJTN website. Out of the seven links, three of them refer to the same e-learning module namely ‘United to end female genital mutilation’. These materials are rather limited in terms of quantity (i.e. three e-learning modules available in the portal, and four valid links to e-learning modules): given that the promotion of e-learning by the Commission is a clear action point in the Strategy, it may be reasonable to expect more e-learning modules on the portal. It is true, however, that the European e-Justice Portal provides links to e-learning modules from other organisations (e.g. Fondazione Italiana per il Notariato, UNICEF and Uefgm<sup>154</sup>). These modules are unfortunately not directly available, as the participants need to register in order to gain access to them. This pre-registration requirement deters legal practitioners from partaking in the training due to time and convenience reasons.

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<sup>149</sup> Annual monitoring data for development of the reports on judicial training.

<sup>150</sup> Minutes of the Expert group on European judicial training, 18 December 2017.

<sup>151</sup> The Strategy states that e-learning is necessary to address the time constraints faced by legal practitioners; the Commission should promote e-learning and that EJTN should include e-learning in its training modules.

<sup>152</sup> COM(2011) 551 final, p. 6.

<sup>153</sup> Since the beta version of the e-Justice Portal will be released in October 2018, we assessed the documents uploaded there.

<sup>154</sup> United to End Female Genital Mutilation.

The European e-Justice Portal also includes a section on e-learning under the heading 'Learning Methodology' where there is a reference to 'Open education Europe' and 'PRAG'. However, we found that no explanation could be found on the importance and flexibility of e-learning to reach more end-users (i.e. one of the operational objectives of the strategy). The usefulness of e-learning is better explained in the 'Advice for training providers'<sup>155</sup>. This document is available on the European e-Justice Portal and consists of a collection of tips with practical examples for all training providers to help them to design and develop their training activities. Within this document, a section is dedicated to e-learning. It first explains the electronic formats that can be used (i.e. webinar, podcast, massive open online course). Concerning the development of e-learning, the document does not provide any practical guidelines or tips, but refers to a provider of free copyright licences<sup>156</sup> enabling training providers to protect their materials while allocating it to be re-used. Lastly, the document refers to some good European e-learning practices: practical examples from Spain, Bulgaria, and the Netherlands uploaded in the European e-Justice Portal.<sup>157</sup> Unfortunately, these examples are not the most recent ones, as they date from 2014. E-learning is therefore included in the European e-Justice Portal, but based on our analysis of the portal, it was found that e-learning has not been actively promoted or encouraged as a training activity by the Commission by means of the Portal.

There is overall a general consensus in stakeholders' perception that e-learning has become more widespread in recent years. In addition, 67.7% of respondents to the targeted questionnaire indicated that the Strategy has succeeded to some extent in promoting the development of e-learning. Nevertheless, as explained above the promotion and actual availability of e-learning courses is still limited to some extent. Therefore, it can be concluded that the e-learning has not yet reached its full potential as a flexible training tool, and it is thus not reaching yet many end-users as initially foreseen by the Strategy.

#### 4.1.1.2 Contribution of the Strategy to an overall increase in the number of beneficiaries of training activities

The Strategy aims to increase the number of beneficiaries of training activities on EU law in general and more specifically to train up to half of all legal practitioners in the EU by 2020, and more than 20 000 legal practitioners supported by EU financing per year by 2020. In parallel, the Commission stated that the expected result of the Strategy would be 700 000 practitioners being trained by 2020. It is important to note that although in 2011, half of the practitioners in the EU would have equalled 700 000 but now in 2018, half of legal practitioners is approximately 800 000<sup>158</sup>.

The Strategy has managed to increase the number of legal practitioners in different ways. First, the publication of the Strategy delivered a strong political message concerning the commitment of the EU with judicial training. Second, the Strategy triggered the interest and raise awareness concerning judicial training and its importance to ensure the efficient functioning of a European judicial area. Lastly, the Strategy has also enabled the funding of judicial training projects through the different EU programmes.

In general, figures show that there has been an increase in the number of beneficiaries of training activities since 2011. We discuss the general findings below and more detail follows with respect to initial and continuous training activities.

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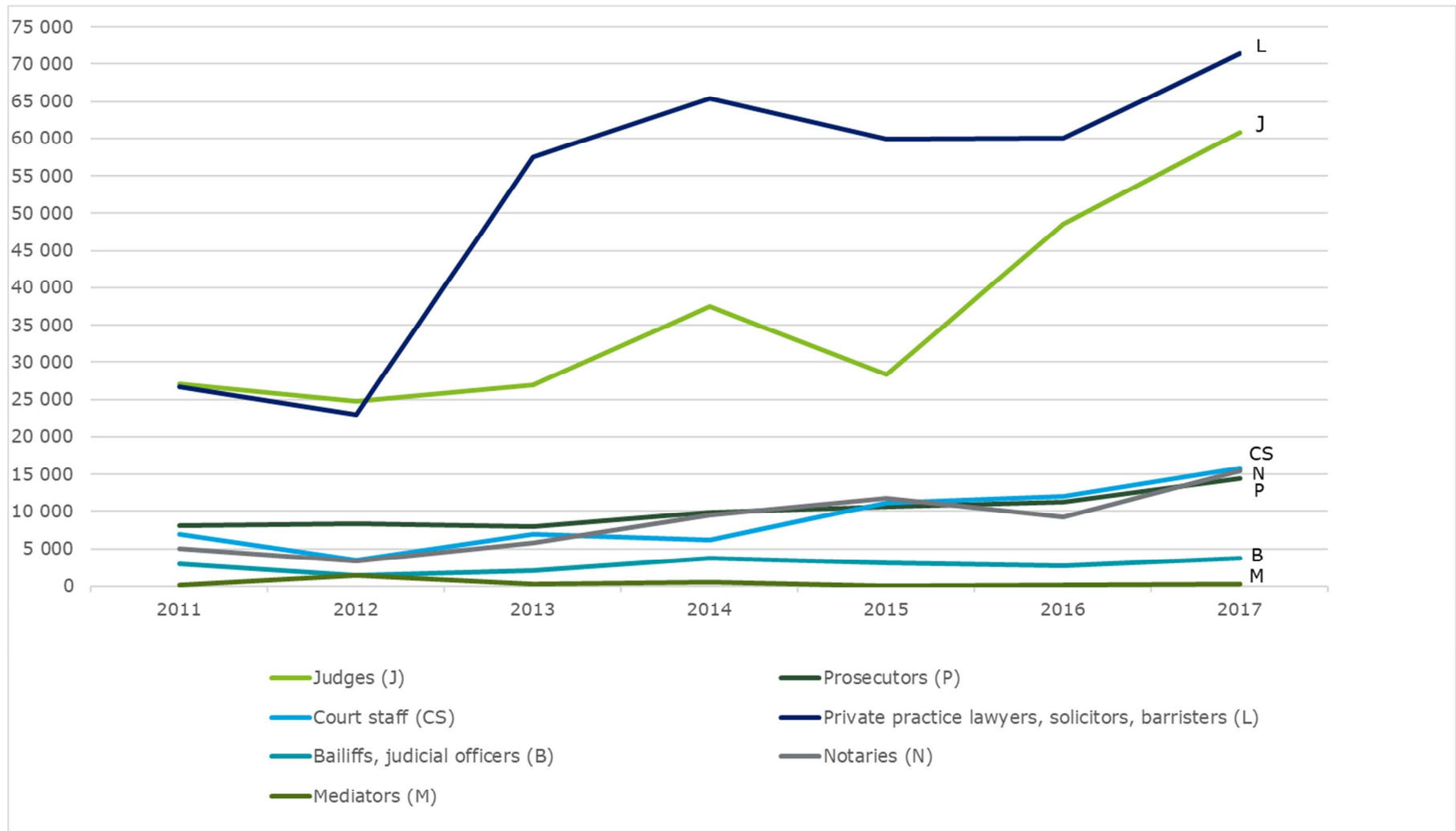
<sup>155</sup> See: [http://ec.europa.eu/competition/calls/2017\\_judges/advice\\_training\\_providers\\_en.pdf](http://ec.europa.eu/competition/calls/2017_judges/advice_training_providers_en.pdf)

<sup>156</sup> See: <https://creativecommons.org/>

<sup>157</sup> See: [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do#n03](https://e-justice.europa.eu/content_good_training_practices-311-en.do#n03)

<sup>158</sup> .This calculation is made on the basis of the data available from the CEPEJ Reports regarding the number of legal practitioners in the EU Member States.

*Figure 13: Numbers of beneficiaries of training activities on EU law per target group per year (2011-2017)*



Source: Deloitte based on European Commission data<sup>159</sup>

<sup>159</sup> Annual monitoring data for development of the AJTR.

As illustrated in the graph above, private practice lawyers, solicitors and barristers are the first target group in terms of net participants to training activities, followed by judges. Nevertheless, the trend is different when taking into account the proportion (i.e. the net number of beneficiaries of training activities per target group in relation to the total population of each target group). As displayed in Figure 7 in Section 3.4.2.1 ('EU law training activities and participants'), the most trained legal professionals are the judges and the prosecutors, primary target of the Strategy.

In essence, despite high numbers of participants in training with a clear increase each year, (except for 2015<sup>160</sup>), the overall proportion of practitioners trained within the target groups is still quite low and some groups have clearly benefited more than others.

In 2017, approximately 181 986 legal practitioners were trained throughout the EU, which represents approximately 11% of all professionals then active in the Member States. Although this percentage might seem low, it is noteworthy to point out only 5% of the total legal practitioners were trained in 2011. Therefore, the percentage of legal practitioners trained has doubled since the adoption of the Strategy. As for previous years, this percentage varies greatly depending on the target group. As many as 73% of judges took training activities in 2017, followed by more than one third of prosecutors (i.e. 39%) and 29% of notaries. However, only around 4% of court staff received training, which nonetheless is an improvement that confirms the increasing figures from previous years.

Despite the increasing number of trained private practice lawyers, in the same year only 7% of them received EU law training. This could be mainly due to two reasons. First, the lawyers group is by far the largest target group among law practitioners (1 038 474 in 2017), and thus it naturally takes longer to reach a significant number of them. Second, an important limitation of the data is the low response rate from representatives of the private practice lawyers<sup>161</sup>.

### Initial training activities

Based on the results of the 2011 survey, 26% of respondents (both judges and prosecutors) had received initial training on EU law<sup>162</sup>. From the data available for each year from the years the Strategy was in place, 2011 until 2017, it appears that the highest percentage of judges and prosecutors who underwent initial training was 14% of all judges and prosecutors in the EU (which occurred in 2017). Although, the difference between these two percentages seems to indicate little impact of the Strategy on the proportion of legal practitioners trained, several key factors need to be taken into account:

- First, the different statistical weight of the two main sources for pre-2011 and post-2011 data. The 2011 survey involved only 5% of EU judges and prosecutors, while for years from 2011 onwards data covers all professionals active in the EU each year.
- Second, once again, there is a lack of clarity as to how "initial training" is interpreted by stakeholders. It is not certain that a clear definition was provided to respondents to the 2011 survey. Even if a definition was provided, it may not correspond to that used by the AJTR subsequently.
- Lastly, the 2011 survey simply inquired as to whether the respondents had received initial training at any time in their careers. This brings together all the years between the graduation year of the oldest respondent and 2011. The above 26% thus refers indiscriminately to this whole period. By contrast, post-2011 data is divided by year and asks about the number of practitioners that took part in initial training only within those years. Therefore, the practitioners who have already had initial training before 2011 are not taken into account.

Although there are certainly limitations to the data collected for the baseline, it appears that before the Strategy, not all legal professionals received training on EU law based on the survey

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<sup>160</sup> Some of the reasons mentioned in the 2016 AJTR are: in some Member States the training on EU law has dropped dramatically, and the number of legal practitioners profiting from training funded by the European Social Funds (25% of all funded participants in 2014) has halved.

<sup>161</sup> As acknowledged by the Commission within the AJTR.

<sup>162</sup> European Parliament (2011), *ibid.*, p. 131.

conducted by the European Parliament<sup>163</sup>. Under the current situation, the large majority of interviewees in the Member States implied that all newly qualified judges, prosecutors, lawyers and notaries receive training on EU law as part of their initial training courses (including both university degrees and professional training). Besides, based on the raw data collected by the Commission in preparation of the AJTR, the number of legal practitioners has increased since 2011 by +125%. Therefore, it can be concluded there has been an increase in the number of professionals taking part in initial training on EU law since the implementation of the Strategy.

The situation varies however for the other professions. In particular, court staff, judicial officers and probation and prison officers do not always have an initial training course covering elements of EU law. The approach to initial training for court staff appears to be the most diverse across the EU, with some Member States employing court staff without any legal training at all and others obliging them to have a law degree and pass certain exams.

### Continuous training activities

The same general trend occurring for initial training is observed for the number of practitioners taking part in continuous training activities on EU law. Overall, since 2011, the number of beneficiaries of continuous training activities has increased by +141%. It is important to note that although the number of professionals in the EU has grown, the speed of growth has not surpassed the growth of beneficiaries of training.

However, the data indicates that some professionals may have taken part in several training activities on EU law over the 7-year period of the Strategy (i.e. 2011-2017). For example, the number of judges in the EU has slightly varied around 80 000, while the total number of judges trained during such span time roughly reaches 250 000. This implies that, despite the retirements and new entrance of judges, some legal practitioners took part in more than one training activity. On the one hand, it means that some practitioners have understood the need for training regularly on an ever-evolving EU law and corresponding case law. Therefore, these legal practitioners are partaking in several training activities throughout the years. On the other hand, this finding also could confirm that some legal practitioners are just never reached by continuous training on EU law.

The same trend is observed for prosecutors: between 2011 and 2017, the number of prosecutors averaged around 35 000, but the number of training beneficiaries over the course of these years amounted to over 70 000. Within the other professions however, the difference between the number of professionals trained and the average number of professionals is too large to identify any significant trends in this regard. It is clear however that not all practitioners are reached by continuous training activities.

It should be noted, however, that the Strategy reaches overall its annual objective to train 5% of judges and prosecutors. In 2017, this target was reached by almost all Member States providing their data for judges, prosecutors, and notaries. Although the target was not achieved in the same year for lawyers, it is noteworthy to mention that the target was reached by a higher number of Member States (i.e. Germany, Greece, Slovakia, and Spain) than in the previous year. In the case of court staff, the target was only reached in six Member States (i.e. Bulgaria, Czech Republic, Estonia, Germany, Finland, and Netherlands).

Within the continuous training activities, a positive finding is the **increased number of participants in exchange programmes**. Certainly, the increased availability of funding and cooperation between partners has allowed these figures to grow since 2011.

The EJTN's exchange programme is noteworthy here due to its success in numbers but also popularity among the stakeholders consulted. The EJTN organises exchanges in the form of short-term exchanges, long-term exchanges and study visits for experienced judges and prosecutors and exchanges under the AIAKOS programme for the future and newly appointed European judiciary.

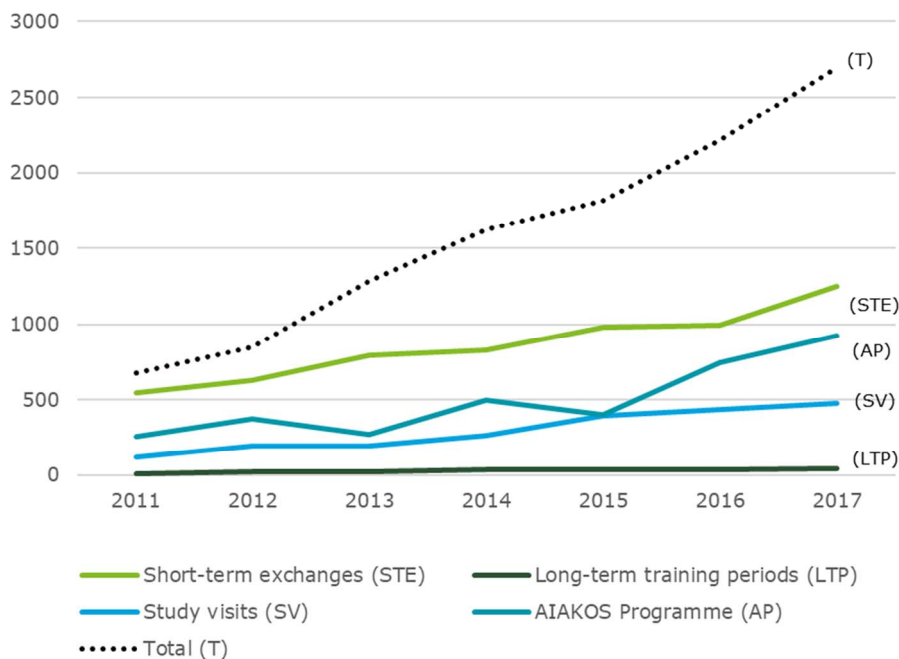
The figure below illustrates the evolution of participants since 2011 per type of exchange.

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<sup>163</sup> Ibid.



Figure 14: Number of participants to exchanges organised by EJTN (2011-2017)



Source: Deloitte based on EJTN data

As displayed in the figure above, the short-term exchanges are the most successful ones with more than 1000 participants in 2017, closely followed by the AIAKOS programme with 926 participants in the same year.

This positive development can be attributed to the Strategy as it has enabled to increase the funding allocated to judicial training under the Justice Programme, allowing the organisation of an increased number of exchange programmes.

### 4.1.1.3 Reach of training activities

This judgment criterion encompasses a number of different indicators: the extent of targeting all groups of legal practitioners, and the geographical coverage. In this subsection, we also present the monitoring and reporting conducted by the Commission on the implementation of the Strategy, and the reach of judicial training activities.

#### Targeting all groups of legal practitioners

Regarding the **target groups of legal practitioners**, the majority of respondents (60%) to the targeted questionnaire agree that **the training activities provided under the Strategy has been successful in reaching all target groups** to some extent with 24.5% indicating that it has achieved it to a large extent and 18.9% to a very large extent. Data on the number of beneficiaries per profession would also support this opinion: all legal practitioners (except for court staff and mediators) reached the minimum percentage of 5% of trained participants needed to reach the 2020 target of training half of the practitioners on EU law or on the law of another EU Member State. The situation has also certainly improved since 2011 when the Strategy was put into place.

However, the data and indeed interviews with stakeholders in the Member States indicate that not all legal practitioners have been targeted or benefitted from training on EU law to the same extent. In particular, judges and prosecutors have benefitted the most from judicial training activities on EU law (with 40% of judges and 25% of prosecutors being trained on average per year).

Other professions have not benefitted from EU training in activities as much as judges and prosecutors. One of the main reasons cited for the broad reach of training on judges and



prosecutors is the EJTN. Stakeholders representing other professions such as lawyers and court staff opined that the EJTN is an extremely useful and efficient organisation for judges and prosecutors to learn and network. Lawyers in particular noted that training on EU law for their profession is not organised to the same level as EJTN. Although it is well acknowledged that opportunities exist for lawyers to partake in training activities on EU law, most stakeholders regard the EJTN as a real added value to judges and prosecutors in this regard.

Court staff have been reached by EU training activities the least out of all the professions (see figure 29 in Annex E). Since 2011, the proportion of court staff partaking in training activities on EU law varies between 0.9% and 2.4%. By contrast, judges' participation ranges from 25% to 42%. The reason for such low numbers regarding court staff is due to several factors. Firstly, the lack of formal training for court staff (in both national and EU law) in some Member States (e.g. Hungary, Poland) naturally hinders any objective of increasing their training activities. Court staff interviewed in the Member States expressed the difficulties they have with engaging with EU law elements when they may not be formally "trained" on national law elements. Secondly, they also expressed difficulties experienced in day-to-day work because of lack of tailored training of high value to them in their jobs.

The **language barrier** is a challenge to reach all groups of legal practitioners. This barrier implies that only legal practitioners with enough level of legal English (or other foreign languages) can participate in the cross-border training courses. This was supported by the results of the OPC: a total of 46% of the respondents mentioned the lack of knowledge of a foreign language as the obstacle to participation in cross-border training. The importance of language within learning was also pointed out in the TC: according to 46% of the respondents, the language of delivery of the course is a criteria to rank the good or poor quality of a training activity on EU law. A wide majority of the interviewees believe that legal practitioners prefer to learn on EU law in their mother tongue because the content and the terminology of EU law related training activities is extremely specific and difficult. In many cases legal practitioners are not able to attend training activities on EU law in their mother tongue, but they do not participate to cross-border training activities either as they will not be able to grasp the specificities of the content.

In order to tackle the language barrier, different Member States (i.e. Belgium, Bulgaria, Croatia, Czech Republic, France, Germany, Ireland, Portugal, Romania, Slovakia, and Spain), are organising trainings on language skills in different legal areas themselves. Depending on the Member State they offer legal English, legal French, legal German or a combination of these three languages. Some of them indicated that the organisation of these training activities on legal terminology is possible thanks to the funding under the umbrella of the Strategy. Different Member States are also engaged in EU projects focusing on legal language training for example via the linguistic programme of the EJTN<sup>164</sup>. As an example, the National Institute of Justice in Bulgaria is setting up a project within the Linguistics project of the EJTN for judges and prosecutors regarding English and French terminology on EU law. Within one year period (2018-2019), 1000 of the judges and prosecutors are expected to participate. The High Council of Judges in Belgium participates in the Summer School of linguistics of the EJTN. Every year Belgium judges partake in this Summer School, which consists of three to four days on English legal vocabulary<sup>165</sup>. Despite these efforts, the majority of interviewees indicated the lack of financial resources in their Member State in order to organise (more) language courses to improve the level of knowledge of their legal practitioners.

The Strategy is not however aimed to train legal practitioners in terms of language skills, as this is a national competence, and thus responsibility of the Member States. Nevertheless, as explained, legal practitioners do lack some language skills preventing them for participating in cross-border training activities, and therefore hampering the effectiveness of the Strategy.

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<sup>164</sup> See: <http://www.ejtn.eu/About/Linguistics-Project/>

<sup>165</sup> See: <http://www.ejtn.eu/Catalogue/EJTN-funded-activities-2018/Summer-School-in-Linguistics-Civil---SS201802>

## Geographical coverage

When looking at the implementation of the Strategy in different Member States, three clusters of countries can be identified<sup>166</sup>.

The first cluster comprises **Member States where concrete actions were taken to ensure that the national strategy was aligned with the EJTS** (either top-down as an initiative from the government or as a bottom-up initiative by stakeholders that are active in the field). According to information received in the stakeholder interviews conducted, concrete actions were taken in Belgium, France and Germany. More specifically, the following information on actions taken in each of these countries was obtained:

- **Belgium:** Mandatory participation in the Aiakos exchange programme of EJTN for judges that are new to their profession.
- **France:** As of 2014, the French National School for the Judiciary decided to enhance the European dimension in the training schedule of French legal practitioners. As a result, they now include EU-related training activities in all of its learning offers.
- **Germany:** In Germany stakeholders reported that two dedicated FTEs were put in charge of the implementation of the Strategy at the federal level. Their tasks include the overall coordination of the implementation of the Strategy in the Ministry of Justice as well as the administration of EJTN courses, e.g. registration of participants. In addition, other staff at the federal state level may coordinate with the local training providers.

In other Member States (e.g. the Netherlands and Sweden), **activities benefiting the implementation of the Strategy do exist, but it is not clear to what extent these were specifically taken because of the Strategy or not** (cluster 2). Examples include annual training events or conferences to exchange on EU law / training on EU law and the stipulation of EU law as a mandatory part of the training schedule of legal practitioners. In the Netherlands, the Dutch Royal Organization of Civil law Notaries organises cross-border seminars on EU law every two years. Moreover, notaries have to attend 20 hours of permanent education each year. In Sweden, a training provider introduced an annual day of EU law in 2014, including different topical training activities targeted at judges. Although this certainly supports the objectives of the Strategy, the specific reasons for introducing this format in 2014 were not clear to the stakeholders consulted.

Finally, **no specific actions were taken** in some Member States (cluster 3). Examples of reasons include a low level of awareness of the Strategy, or the perception that EU law was already being sufficiently covered by national training activities (as in the UK and Ireland).

As concerns **coordination activities**, the situation varies between the Member States. In some countries, e.g. Austria, there is one stakeholder (mainly a ministry) that functions as a central contact point and coordinates national activities. In other countries, e.g. Germany, a coordination role does not exist / is not very prominent.

In addition to the EU Member States, the Strategy also targets the **candidate, potential candidate and neighbourhood countries**<sup>167</sup>. The Strategy has increased the awareness of the need for judicial training in these countries, triggering the political interest for this issue.

Besides, the Strategy has enabled the allocation of funds for judicial training. Both DG JUST and DG NEAR are financially supporting judicial training activities via their respective funding instruments (Justice Programme and IPA) in these countries.

As indicated in our interviews in Albania, Montenegro, and Serbia, the Strategy has allowed these countries to improve and increase their training activities on EU law, also due to the involvement of EJTN, ERA, and EIPA, leading to a better knowledge and better application of EU law.

Lastly, these three countries also indicated that as now observers members of EJTN they can participate in the exchanges, which brings a great added value to their training curricula.

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<sup>166</sup> Information on the situation in all Member States has not been obtained. The information that has been received for specific Member States is quoted.

<sup>167</sup> COM(2011) 551 final, p. 11.

## Monitoring and reporting

In order to monitor the implementation of the Strategy and the reach of the activities, the Commission prepares annual reports. The role of the Commission involves circulating requests for data and collecting inputs from EU and national level stakeholders, as well as preparing annual reports on this basis. National public institutions, the EJTN and professional associations disseminate the Commission's requests to their members. Training providers at EU and national levels provide data on their own activities. The Commission's costs are covered above under governance.

The Commission presented six annual reports between 2011 and 2017<sup>168</sup>. Over these years, the Commission asked the following stakeholders to provide data<sup>169</sup>:

*Table 11: Stakeholders required to provide data for annual reports*

Stakeholder involved in data collection	2011	2014	2015	2016	2017	Type of data provided/ target group covered
European Commission Directorate-Generals		✓	✓	✓	✓	Data on funds to support European judicial training activities
EJTN	✓	✓	✓	✓	✓	Judges and prosecutors
Member States	✓	✓	✓	✓	✓	Court staff
CCBE	✓	✓	✓	✓	✓	Lawyers
UIHJ	✓	✓	✓	✓	✓	Bailiffs
CEHJ		✓	✓	✓	✓	
CNUE	✓	✓	✓	✓	✓	Notaries
ERA	✓	✓	✓	✓	✓	Data on courses on EU law for legal practitioners
EIPA	✓	✓	✓	✓	✓	
EUIPO				✓	✓	
EPO		✓	✓	✓	✓	
OHIM		✓	✓			
EASO		✓	✓	✓	✓	
CEPOL			✓	✓	✓	

Source: European Commission, DG JUST

### 4.1.1.4 Improve national training programmes

The improvement of national training programmes by the Strategy is measured via two indicators: on the one hand, the integration of EU law into initial training, and the recognition of continuous training activities across border (i.e. mutual recognition).

#### Integrating EU law into initial training

We found that **initial training** for judges, lawyers and prosecutors in the Member States where it exists contains an element of EU law. Unfortunately, data before the Strategy on the extent to which EU law was integrated into initial training does not exist for comparison purposes. However,

<sup>168</sup> In this regard it can be noted that the 2011 report covers 2011 data and was published in 2012. The 2012 report covers 2012 data and was published in 2013. As of 2014, it was decided to give the report the name of its year of publication. Hence, the 2014 report covers 2013 data and was published in 2014, etc. for the following years.

<sup>169</sup> The stakeholders are mentioned in the Annual Reports on judicial training of the European Commission. The 2012 report did not identify the stakeholders providing the data.

results from the survey conducted in 2010 under the European Parliament Study <sup>170</sup> would indicate that it was not the case, since 64% of judges and prosecutors responding to that survey had not received training on EU law in their initial training.

Results from the 2018 targeted consultation indicate that the Strategy has succeeded to some extent in ensuring that training on EU law be integrated in the initial training of legal practitioners (according to approximately 70% of respondents). The Strategy has indeed triggered the political message of commitment to the area of European judicial training, raising awareness on the need to train legal practitioners.

The definition of initial training is, however, understood differently by different stakeholders. As pointed out by the expert group in its meeting in December 2017, some Member States might provide initial training on EU law as part of their curriculum of national law (e.g. civil or penal law); and therefore do not count this as days of training on EU law. This point was also brought to our attention by some of the interviewees during our fieldwork interviews. For example, in Spain (for prosecutors), Belgium (judges, notaries, bailiffs, and lawyers), Sweden (judges), there are no specific courses in EU law as part of the initial training. The EU dimension is however included in the rest of courses. In other cases, as in Germany and Austria (for judges and prosecutors in both countries), or Denmark (for lawyers and prosecutors) EU law is embedded in the law degrees. The initial training on entry to the professions for lawyers or judges does not therefore include a specific course or exam on EU law.

Despite these differences across Member States, EU law has been successfully included in initial training.

## Recognition of training activities across borders

The objective of ensuring that **training activities are recognised in other Member States** has also been achieved to a large extent, with some caveats.

Firstly, regarding training for judges and prosecutors, we found no indication of significant difficulties regarding the recognition of training activities attended in another Member State. The Strategy has indeed contributed to achieve this objective by raising awareness on the need concerning judicial training, and supporting partnerships across Member States.

The situation has certainly improved since the implementation of the Strategy, but work is ongoing. While mutual recognition of training activities in another Member State is *possible* in all Member States, automatic recognition is not<sup>171</sup>. In some Member States (e.g. Italy, Belgium, Luxembourg, Estonia, Sweden, England and Wales<sup>172</sup>), the judicial council of the practitioner who attended the training activity abroad, would have to assess whether the training satisfies their own national criteria as an appropriate activity.<sup>173</sup>

In interviews with judicial councils in the Member States however, most of the interviewees (both national judicial schools, and judges and prosecutors) indicated that there is hardly ever an issue found with recognition of a course attended abroad as part of practitioners' continuous training. In support of this finding, approximately 69% of respondents to the targeted questionnaire found that the Strategy had succeeded in ensuring that training activities attended abroad are recognised for one's national training obligations.

Secondly, the mutual recognition is still somewhat fragmented, especially in the case of lawyers. In this respect, CCBE has been working with its members on the automatic mutual recognition of lawyers' cross-border continuing professional development. As a result, a Memorandum of

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<sup>170</sup> European Parliament (2011), Directorate-General for Internal Policies, Judicial training in the European Union Member States, available: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI\\_ET\(2011\)453198\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf)

<sup>171</sup> See country factsheets of pilot project on: Training lawyers in EU law (2013-2014), available: <https://e-justice.europa.eu/fileDownload.do?id=de3f4ead-4ac8-4a43-bafe-ddfd141a49f7>

<sup>172</sup> Ibid.

<sup>173</sup> For example, some Member States have point systems whereby practitioners have to earn a certain number of points through training activities per year to retain their license to practice.

Understanding<sup>174</sup> was published in 2016 as a commitment to allow greater flexibility to lawyers as far as continuous training is concerned and an ongoing project co-funded by DG Justice is helping to ensure mutual recognition from as many Member States as possible.

#### 4.1.1.5 Contribution of the Strategy to an improved capacity of training providers

Overall, the Strategy has contributed to an **improved capacity of judicial training providers**. This objective is mainly achieved through the financial support provided through the various funding programmes. As shown in Section 4.2 (Efficiency), the financial contribution to judicial training across all of the programmes has grown steadily since 2011. As of 2011, the financial support to training has increased over the years. For example, the allocated budget to judicial training under the Criminal Justice and Civil Justice (i.e. now known as the Justice Programme) increased from 6.3 million EUR in 2011 to 18.8 million in 2017. This significant change is due to the Strategy, which managed to raise awareness and trigger the political interest on judicial training. EU contribution kept going up from that point on as well (see Section 4.2 'Efficiency'). The Commission has also increase its financial support under the annual calls for proposals for action grants. As mentioned also in strategic interviews with Commission officials, the Strategy gave a new impetus to judicial training in the EU and provided the political basis for more EU and national investment in training.

Respondents to the 2018 targeted consultation largely agreed that the Commission has increased its financial contribution to judicial training (46.7% to a very large extent; 26.7% to a large extent and 13.3% to some extent). Similarly, respondents indicated that the Commission has succeeded in increasing its financial support to the EJTN and that national structures have reinforced their participation in the EJTN (26% to a very large extent; 46% to a large extent and 10% to some extent). Data from the European Commission annual work programmes for the Justice Programme show that the financial contribution to the EJTN has been increasing over the years, going from €7.88 million in the 2014 annual work programme (2015 operating grant) to € 10.2 million in the 2017 annual work programme (2016 operating grant).

*Table 12: Funding allocated to the EJTN by the Justice programme per year*

	2014 annual work programme (2015 operating grant)	2015 annual work programme (2016 operating grant)	2016 annual work programme (2017 operating grant)	2017 annual work programme (2018 operating grant)
Allocated funding	€ 7 880 000	€ 8 800 000	€ 9 500 000	€ 10 200 000

*Source: Deloitte based on data from the European Commission, Annual Work Programmes of the Justice Programme*

However, half of the respondents to the TC indicated that there were **elements of the EU financial support to European judicial training that could be simplified or otherwise improved**. Indeed, many training providers who had applied for funding as the main beneficiary indicated via the TC and interviews that the applicable rules were complex and that they spent a lot of time translating and compiling the relevant information needed for the **application** as well as for the project **reporting**.

More specifically, around one out of ten training providers (11 out of 87) indicated in the TC and interviews that they decided not to apply for funding for the following reasons:

- The application process was considered to be too cumbersome. Respondents to the TC also considered the requirement to decide on detailed budgets beforehand as challenging and time-consuming.

<sup>174</sup> CCBE, Memorandum on Mutual Recognition of Lawyers' Cross-Border Continuing Professional Development, 16/09/2016, [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/TRAINING/TR\\_Position\\_papers/EN\\_TR\\_20170224\\_Memorandum\\_on\\_Mutual\\_Recognition\\_of\\_Lawyers\\_Cross\\_Border\\_Continuing\\_Professional\\_Development.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/TRAINING/TR_Position_papers/EN_TR_20170224_Memorandum_on_Mutual_Recognition_of_Lawyers_Cross_Border_Continuing_Professional_Development.pdf)

- Their organisation was too small and/or had no partner in other Member States.
- One judicial training provider underlined that the new rules relating to the obligation of the partners to contribute financially to the projects was difficult to implement not only at their level but also by their partners, due to their limited resources; this new approach limited their involvement in the projects.

Nevertheless, other respondents in the interviews and TC indicated that there has already been some improvement, including in relation to the application process (e.g. the use of the web platform was considered helpful) as well as the financial requirements. Hence, while some actors decided against applying for funding due to burdensome requirements, not all stakeholders were of the same opinion. Ways to (further) simplify the project application processes could, however, be considered, as some stakeholders indicated that they abstained from applying for funding due to this process.

The capacity to provide training should not only be reflected in monetary contribution however and the efforts of the Commission in trying to help training providers develop better quality products and reach more participants should also be taken into account. The Commission has indeed been organising (almost) annual conferences on judicial training, bringing together the different training providers and giving them the opportunity to meet and network. Besides, the Commission also prepared and shares training material on the e-Justice Portal, which could be reused by the training providers. Although these efforts to improved capacity of training providers across Europe cannot be scientifically evidenced. But we note that, as one respondent to the targeted questionnaire put it, "the Strategy triggered the multiplying effect but was missing the tool to measure its extent".

However, when asked whether the Strategy has succeeded in encouraging consortia or regional groups of national judicial schools to develop common trainings, the result of the targeted questionnaire was less positive but positive nonetheless (37.5% to a very large extent; 18.8% to a large extent and 22.9% to some extent). In addition, some interviewed judicial and bar associations, mentioned that they sometimes found it difficult to find relevant partners or would have liked to have been involved in a project after seeing its results. Overall, however, based on the number of projects involving partners from different Member States, it appears that the Strategy has contributed to more consortia by making available funds and promoting the networking of networks.

#### 4.1.1.6 Contribution of the Strategy to an improved quality of training on EU law

Enhancing the quality of European Judicial Training is mentioned several times throughout the Strategy. Firstly, the Strategy states that the Commission should concentrate its funding towards support for high-quality European judicial training projects with a greater European impact. Secondly, the Commission undertook to further develop the European e-Justice Portal's training section to ensure availability of high quality training material for providers. Before discussing these two dimensions in the following paragraphs, a horizontal question on quality was asked in the 2018 targeted survey: "Has the European Judicial training strategy been successful in improving the quality of training activities on EU law?". The overall response was quite positive about 80% of the respondents responding positively i.e. 32% agree to some extent, 27% to a large extent and 27% to a very large extent.

### Funding high-quality projects

There are no concrete data points that monitor the quality of projects funded by the various programmes. It is clear that the Commission has increased its funding to judicial training and stakeholders largely recognise this (60% of respondents to the targeted survey agree to a large or very large extent). The quality of the funded projects is certainly assessed at the proposal stage as well as via the different deliverables (i.e. the interim and final reports). Nevertheless, no data is systematically collected on the quality throughout the lifespan of the project. It is not the aim of this section or study overall to assess the quality of projects funded under each programme. The aim is rather to identify the activities that the Strategy has undertaken to promote improved quality of training on EU law.

Thus, a way in which the Commission can promote the funding of high-quality training is through the criteria sought in selecting applications. We have analysed the proposals evaluation criteria used by DG JUST and DG COMP. This assessment was conducted by Deloitte experts in learning.

Under the Justice and the Rights Equality and Citizenship programmes, action grants are awarded taking into account the following award criteria<sup>175</sup>:

- Relevance to the priorities of the call (25 points);
- Quality of the proposed action (30 points);
- European added value of the project (15 points);
- Expected results, dissemination, sustainability and long-term impact (20 points);
- Cost-effectiveness (10 points).

We note that the quality criterion presents the highest score, which already indicates that the Commission aims at funding high quality projects. Quality is measured in terms of the proposed methodology for implementing the activities, the organisation of work, the allocation of resources and the time schedule, as well as the appropriateness of the envisaged activities. In addition, this criteria also takes into account the strategy for monitoring the implementation of the project (including the identification of the risks and mitigation measures), as well as the proposed evaluation to assess the success of the activities (including the indicators to be used). It is hence found that this criteria is complete as it includes all the different aspects to take into account to ensure the quality of the projects.

As explained under Section 4.5 on 'Sustainability', another key aspect to take into account to ensure the quality of the projects is the sustainability and the long-term effect of the training activities. These aspects are also taken into account in the selection process, although they are not the most important ones (i.e. this criterion is worth 20 points).

As for the operating grants, the criteria are naturally different. In this case, the following award criteria are considered:

- Extent to which the proposed annual work programme addresses the priorities;
- Quality of the annual work programme, which must be clear, realistic and well detailed;
- European added value of the annual work programme;
- Financial quality of the proposal, including the existence of a clear, detailed, and reasonable budget, which is coherent with the annual work programme.

Quality is naturally also taken into account here. The maximum points allocated to each criteria were not however available, and it was thus not possible to assess the weight of this criteria in the selection process.

DG COMP takes into account similar criteria to award its operating grants under the Justice Programme. However, we highlight that in 2016 the score allocated to quality is the second lowest one with 20 points. For the other calls for proposals, the quality score is up to 30 points.

According to stakeholders, the quality of funded training is also impacted by insufficient language skills and lack of coordination between similar projects. On the former, stakeholders point out that funding criteria does not give enough consideration to the level of language skills needed for a high quality training – both on the part of the speaker and of the participants. Their insufficient skills could prevent them from properly delivering the training (in case of the training provider) or fully gathering all the knowledge (for the participants). On the latter issue, the duplication and lack of coordination between the funded projects raises some concerns. Without some coordination, projects with a similar goal might produce similar outcomes, instead of reusing the material already produced under previous projects and leveraging on them.

As for the evaluation process, the Commission (i.e. DG JUST and DG COMP) uses external evaluators to rank the proposals to a given call according to their merits. As indicated to us by a former evaluator interviewee, different levels of commitment between the evaluators might put at stake the quality of the evaluation process. Therefore, in DG JUST, the consolidated evaluation is performed in-house to ensure coherence across the evaluations and funding of the best projects.

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<sup>175</sup> See: [http://ec.europa.eu/research/participants/data/ref/other\\_eu\\_prog/common/just-rec-guide-applicants-18\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/other_eu_prog/common/just-rec-guide-applicants-18_en.pdf)

In addition, it is important to note that the Commission also gives advice to potential beneficiaries of these funds. Under the Justice Programme, these meetings are organised by DG JUST's financial unit. Once the grants are allocated, both DG JUST and DG COMP organise a kick-off meeting each year explaining good practices for judicial training to the beneficiaries of the action grants. These presentations include concrete guidance and tips in terms of planning of the training activity, method and content, and follow-up (i.e. evaluation, dissemination of the training material). These presentations also refer to additional readings to ensure project quality, such as:

- Advice for training providers (by the Commission)<sup>176</sup>
- Handbook on Judicial Training Methodology in Europe (by EJTN)<sup>177</sup>
- Guidebook on Human Rights training methodology for legal professionals (by the HELP Programme)<sup>178</sup>
- Training section of the European e-Justice Portal with good practice factsheets.<sup>179</sup>

The reference to these documents is a good practice, as it provides the legal training providers with further materials to develop their training activities and ensure the highest quality possible.

Respondents to the targeted questionnaire found that the quality of speakers is the most important criterion for the quality of a training, followed closely by interactivity both among speakers and with participants (see figure below).

*Figure 15: Criteria preferred by TC participants for ranking the quality of training activities*



Source: 2018 Targeted Consultation of the European Commission.

Regarding the quality of speakers, respondents mentioned e.g. the importance of expertise in EU law as well as the ability of speakers to get participants to engage actively. As illustrated above, the importance of interactive participation was highlighted by several respondents. For example, one respondent explained that it is more likely that the objectives of a course be achieved if participants are involved in the training activity, e.g. through role playing, case discussion, dialogue and debates. In this context, some respondents also mentioned that multi-national groups of participants could be an asset, as it supports the exchange of practices in this context, the quality of interpretation is also important.

At the national level, Member States also put in place their own mechanism to ensure the quality of their speakers. For example in Spain, the *Centro de Estudios Jurídicos* (in charge of the training for judges) invites the participants to evaluate the speakers after each training activity. Only when

<sup>176</sup> See: [https://e-justice.europa.eu/content\\_training\\_%20material-252-en.do](https://e-justice.europa.eu/content_training_%20material-252-en.do)

<sup>177</sup> See: [http://www.ejtn.eu/Documents/EJTN\\_JTM\\_Handbook\\_2016.pdf](http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf)

<sup>178</sup> See: <https://rm.coe.int/help-guidebook-on-human-rights-taining-methodology-for-legal-professio/1680734cac>

<sup>179</sup> See: [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do](https://e-justice.europa.eu/content_good_training_practices-311-en.do)



the speaker received a rating of seven or above out of 10, he/she will be able to take part in another training activity as training provider.

Another tool that the Commission uses in its funding is subsequent assessment of the training activities. Again, although we have not assessed the overall quality of projects that are being funded since it would be outside the scope of the study, we analysed the grids, which must be filled in after finishing a training activity.

Overall, we found that these assessment grids or surveys only evaluate the training activities on level 1 and in a limited way level 2 of Kirkpatrick<sup>180</sup>. The questions asked only give an indication of the degree to which judicial practitioners react favourably to the training and the degree to which judicial practitioners acquire the intended knowledge, skills, competences and attitudes based on their participation in a training activity.

## The European e-Justice Portal & other materials

Since 2011, the Commission has certainly developed the European e-Justice Portal with some relevant materials related to judicial training. Firstly, we will look at the different types of material contained and then discuss the opinion of stakeholders of this material.

The training material is available on the following broad topics:

- EU law in general
- Civil law
- Criminal law
- Legislation against organised crime
- Human rights
- Rights of the child
- Non-discrimination
- Gender equality
- Administrative law
- Environmental law
- Intellectual property

There are also some materials available on training methodology and a document providing advice to training providers.

In general, the materials on the Portal are a mixture of documents produced by the Commission and documents produced by EU and international level training providers (e.g. ERA, EJTN, United Nations etc.). Based on the assessment conducted by Deloitte learning experts and professionals, the information contained in the portal is perceived as useful only to some extent for the following reasons. As explained in Section 4.5 on Sustainability, a vast majority of judicial training providers do not use the documents uploaded on the e-Justice Portal either because they already have created their own materials, or the documents are not always recent (e.g. among the first materials available on the page dedicated to EU criminal justice, there is a training document explaining the changes brought about by the Lisbon Treaty<sup>181</sup>. The Lisbon Treaty, in place for almost 10 years now, is not the most recent topic requiring training on EU criminal matters).

Regarding the use of these materials, we found that they are appreciated more by EU level training providers than by national ones who are often unaware of the e-Justice Portal and its contents. We have analysed the input from stakeholders on the usefulness of the e-Justice Portal contents.

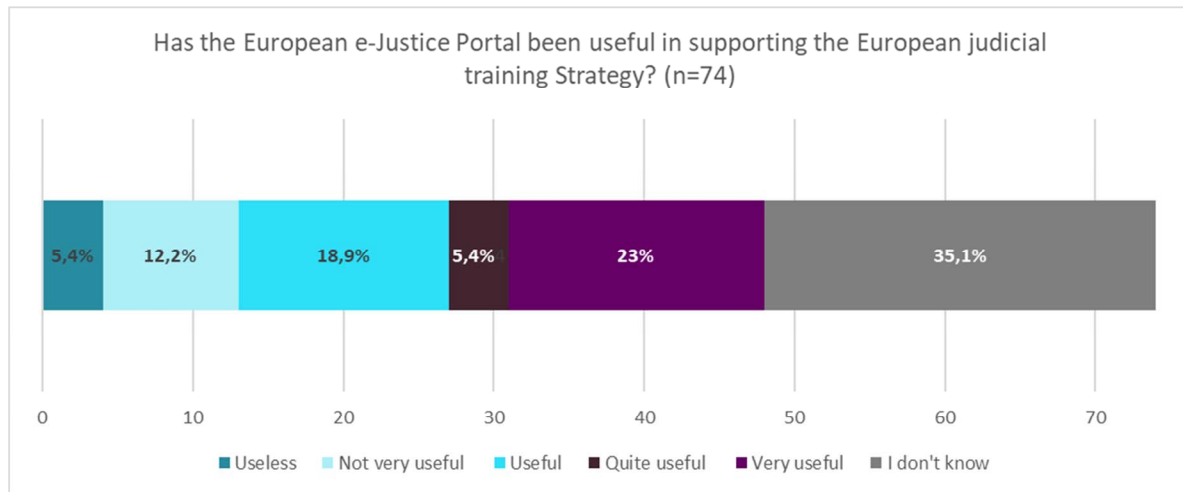
Almost half of the respondents (47.3%) to the targeted questionnaire thought that the European e-Justice Portal had been useful in supporting EJTS however roughly 1/3 of respondents "did not know", indicating perhaps a lack of awareness of the portal or lack of usefulness of the materials on it. In a separate question, around half of the respondents (54.1%) thought that the training section of the European e-Justice Portal should be further developed, with only 1.4% indicating the contrary, and the remaining 44.6% indicating that they "did not know".

<sup>180</sup> For further information on the Kirkpatrick model, see Section 4.5 ('Sustainability').

<sup>181</sup> See: [https://e-justice.europa.eu/content\\_criminal\\_law-255-en.do?clang=en](https://e-justice.europa.eu/content_criminal_law-255-en.do?clang=en)



Figure 16: Usefulness of the e-Justice Portal in supporting the Strategy (according to TC respondents)



Source: 2018 Targeted Consultation of the European Commission

Awareness appears to be a significant issue with regard to the e-Justice Portal. When asked if they knew how to find good and ready-to-use (online) training material on EU law or law of another Member State, just 37.7% of respondents to the public consultation were aware of how to do this. Of these respondents who know where to find information 23% indicated that they use the e-Justice Portal.

Regarding the actual use of these materials, interviews with stakeholders in the Member States did not indicate a very high usage. Most stakeholders, particularly bar associations and lawyers, were unaware of the materials and if they were, did not attribute the quality of their training products to the tools on the Portal.

Between 2013-2014, the Commission also undertook a pilot project on the sharing of best practices in training judges and prosecutors. The pilot, which was executed by EJTJN, compiled relevant and useful materials on “promising”, “good” or “best” practices in a wide range of topics including:

- Training needs’ assessment
- Innovative training methodology
- Innovative curricula or training plans
- Training tools to favour the correct application of EU law and international judicial co-operation
- Assessment of participants’ performance in training / effect of the training activities
- European workshop on building upon good practices in European judicial training<sup>182</sup>.

On expert assessment, the materials appear up-to-date and are of high quality in terms of the different practices that are encouraged. After assessing the material developed under the pilot project on the sharing of best practices in training judges and prosecutors, we can conclude that there are different relevant and qualitative best practices as explained below.

Some of these documents (i.e. the documents on needs assessment, innovative curricula of training plans, training to favour correct application of EU law and the assessment of participants’ performance in training) give a structured and qualitative description of the best practices. Our learning experts, however, consider that practical examples illustrating how Member States apply these best practices are missing. For example, Belgium uses a competence matrix for their training needs assessment. Unfortunately, the documents do not provide further details on this competence matrix. Another example is the document of Bulgaria on innovative curricula. This Member State uses blended learning groups as well as blended training activities. However, the

<sup>182</sup> See: [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do](https://e-justice.europa.eu/content_good_training_practices-311-en.do)

document does not indicate how these are being set up. The document provides thus interesting examples but fails to provide further guidance and details so other Member States can replicate such good practices after consulting the e-Justice Portal.

The downfall of this pilot project is that there were no KPIs set up at the outset nor was use and feedback on the materials monitored. It is therefore very difficult to assess the extent to which these products have been used by training providers across the EU. These documents are, however, promoted, as they are included as references to use to prepare the training calls for proposals under DG JUST. Besides, a workshop was held in June 2014 to discuss the good practices under the pilot project, which was welcome by the judicial training community. This indicates that the project itself was a positive initiative and had a positive impact, although it is difficult to quantify.

Linked to the objective of further developing the e-Justice Portal, in the same breath, the Strategy aims to promote the use of e-learning in judicial training. Again, due to the lack of indicators monitoring this, we cannot fully appreciate the current level of use of e-learning for judicial training. Nevertheless, almost 70% of respondents to the public consultation indicated that the EU should help to develop technological support for European judicial training activities. This was confirmed by our interviews in the Member States: national training providers, particularly for judges and prosecutors, did not develop e-learning due to their lack of IT expertise and the costs.

To address this ongoing need for more technological approaches to training, the Commission has successfully produced a number of materials promoting the use of innovative training methodologies, including e-learning<sup>183</sup>. Stakeholders have made it very clear however, that the promotion of e-learning should be balanced with acknowledging of the importance of face-to-face interactions. Many arguments were made by stakeholders for both types of training activities. On the one hand, e-learning can provide quick, accessible information to legal practitioners who are short of time or cannot travel for a training in another location. It is also less costly for the training provider. On the other hand, the impact of classroom training should not be underestimated as it allows for practical discussion and interaction with the speakers and participants (identified as one of the most important aspects affecting the quality of training above). Further, the networking aspect of training is particularly important for practitioners to build a sense of mutual trust and cooperation, which is essential for building an area of Freedom, Security and Justice. This aspect was particularly stressed in the context of cross-border exchanges: the underlying idea is that, while e-learning saves time, direct human interaction is the most effective tool for enhancing the participants' ability to understand foreign systems and practices.

#### 4.1.1.7 The Strategy's support to training on legal terminology of foreign languages

The Strategy clearly points out that stakeholders should pay attention to training on legal terminology of foreign languages. Unfortunately, the AJTR do not collect data on the number of courses provided to legal practitioners that focus on legal terminology of foreign languages. It was also not possible to deduce the type of projects funded per each of the relevant funding programmes. Therefore, we cannot reliably compare the situation before the Strategy and now.

Based on stakeholder opinion however, the targeted questionnaire indicates that a large majority of stakeholders (85%) would agree that the Strategy has succeeded in supporting training on legal terminology of foreign languages. Despite this positive result, 76% of respondents to the public consultation considered the lack of language skills as a barrier to working with peers of another Member State to some extent (20%), to a large extent (23%) and to a great extent (33%).

In order to cater for the need to tackle the legal language training's needs of legal practitioners, DG JUST adapted its financial support via action grants under the Civil Justice and Criminal Justice programmes by inserting a priority covering legal linguistic training. In addition, under the current Justice Programme, projects were required to consider this need. The calls for proposals of this programme state that: "Projects should also aim at encouraging practitioners to follow training in a

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<sup>183</sup> See best practice materials on the e-Justice Portal: [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do](https://e-justice.europa.eu/content_good_training_practices-311-en.do)

foreign language, either by providing simultaneous high-quality interpretation into their native language or by easing the participation with foreign language training (for example with an introduction to the relevant legal terminology of the topics covered prior to or at the beginning of the training activity, or with a linguistic warm-up by actively involving participants at the beginning of the training activity, etc.)”<sup>184</sup>. The legal language priority was further reinforced from 2017 by adding a priority for "seminars with easy linguistic access"<sup>185</sup>. These actions have strengthened the linguistic dimension in judicial training. These recent efforts do not seem, however, to have produced any outcome yet based on our interviews at national level. The majority of legal practitioners still consider lacking the necessary language skills to attend training activities in languages other than their mother tongue.

Concerning the training activities delivered on legal terminology of foreign languages, EJTN has been particularly active in this field. Since the adoption of the Strategy, EJTN has been providing courses on legal terminology in different legal areas, such as Human Rights<sup>186</sup> and Competition Law.<sup>187</sup> Besides, EJTN has also produced linguistic handbooks on several topics: human rights<sup>188</sup>, cybercrime<sup>189</sup>, competition law<sup>190</sup>, judicial cooperation in civil matters<sup>191</sup> and criminal matters<sup>192</sup>.

Most importantly, EJTN created in 2011 its linguistic programme aiming at developing both the legal and linguistic skills of legal practitioners. The table below displays the number of participants together with the number of courses organised each year.

*Table 13: EJTN linguistic programme – number of participants and events*

Year	Participants	Events
2011	146	3
2012	197	4
2013	148	3
2014	272	5
2015	325	7
2016	415	9
2017	450	10

Source: Deloitte based on EJTN's data

As displayed in the table above, the number of participants has been increasing since 2011. The Strategy, which has supported the capacity of EJTN as explained in the subsection above (via funds, conferences, training material), has thus supported the training on legal terminology.

## 4.1.2 Achievement of the specific objectives

The specific objectives set out in the Intervention Logic are:

- Justice professionals having a good knowledge of EU law including the EU Charter of Fundamental Rights and the European Convention on Human Rights, of EU judicial cooperation instruments and of the laws of other Member States;
- Justice professionals trusting each other in cross-border judicial proceedings;
- Citizens and businesses benefiting from high-quality cross-border proceedings.

<sup>184</sup> European Commission, Justice Programme, Call for proposals, 2015 and 2016.

<sup>185</sup> European Commission, Justice Programme, Call for proposals, 2017.

<sup>186</sup> See EJTN Linguistic Seminar: Language training on the vocabulary of Human Rights' EU law, 2-6 July 2018, <http://www.ejtn.eu/Documents/Linguistics/2018%20AGENDAS/Agenda%20EN%20LI%202018%2006.pdf>

<sup>187</sup> See EJTN Linguistic Seminar: Language training on the vocabulary of Competition Law, 6-9 July 2016, <http://www.ja-sr.sk/files/Agenda%20English%20Groups%20LI%202016%2005%20Omsenie.pdf>

<sup>188</sup> See: <http://www.ejtn.eu/PageFiles/17310/HANDBOOK%20English%20for%20Human%20Rights%20EU%20Law%20-%20EJTN.pdf>

<sup>189</sup> See: <http://www.ejtn.eu/PageFiles/17406/Handbook%20Linguistics%20Cybercrime.pdf>

<sup>190</sup> See: <http://www.ejtn.eu/PageFiles/17406/Handbook%20Linguistics%20Competition%20Law.pdf>

<sup>191</sup> See: [http://www.ejtn.eu/Documents/Resources/Handbook\\_Manuel\\_Linguistics\\_Civil.pdf](http://www.ejtn.eu/Documents/Resources/Handbook_Manuel_Linguistics_Civil.pdf)

<sup>192</sup> See: [http://www.ejtn.eu/Documents/About%20EJTN/Linguistics%20Project/Handbook\\_Criminal\\_Penal\\_2015\\_EN\\_FR.pdf](http://www.ejtn.eu/Documents/About%20EJTN/Linguistics%20Project/Handbook_Criminal_Penal_2015_EN_FR.pdf)

### **The specific objectives of the Strategy have been achieved to some extent.**

We found that the Strategy has contributed to enhancing **legal practitioners' knowledge of EU law**. On one hand, after the adoption of the Strategy, some national training providers adjusted their curricula in order to highlight or include the EU law dimension. On the other hand, cross-border training activities have enabled legal practitioners to meet their counterparts from other Member States and learn their legal practices, contributing to their professional network.

**Mutual trust** in the EU has increased overall since 2011, due in part to the Strategy. Cross-border proceedings have become widespread, and legal practitioners have become naturally more familiar with EU law. Nevertheless, there are still some barriers hampering mutual trust, such as practitioners' limited language skills.

The Strategy enables justice professionals to have a solid knowledge of EU law and its instruments, enabling them to deliver high quality legal decisions, and thus improving the **quality of judicial proceedings** overall.

#### 4.1.2.1 Legal practitioners' knowledge of EU law, EU judicial cooperation instruments and the laws of other Member States

We have already analysed the level of knowledge of EU law, EU judicial cooperation instruments and the laws of other Member States to some extent in our description of the current situation (Section 3.4.2 'Data on the current situation'). The aim of this section therefore is to discuss the findings in more detail and try to draw a comparison between the baseline and the current situation in order to conclude on the overall contribution of the Strategy to this specific objective.

To briefly reiterate, in the current situation we saw that around 60% of OPC respondents have knowledge of EU law [to some extent (32.7%), to a large extent (20.3%) or to a very large extent (8%)]. The picture is about the same for the level of knowledge on EU judicial cooperation instruments but for the law of other EU Member States, only 19% of respondents have knowledge to any extent (see figure 9 in Section 3.4.2.2 'Indicators related to the European judicial culture knowledge and mutual trust').

Based on analysis of our interviews with national stakeholders, we found that since the inception of the Strategy, stakeholders believe that the level of **knowledge of EU law among legal professionals has increased to some extent in all Member States**; sometimes the increase is deemed substantial. In most cases, relevant stakeholders (i.e. national training providers and the legal practitioners themselves) saw an improvement in practitioners' interest in and ability to master EU legislation and case law, although in some training providers doubts were expressed as to what extent this occurred due to activities promoted under the Strategy (e.g. Spain, Slovenia, Germany).

We note here that it is crucial to understand the factors behind the perceived increase in knowledge and the extent to which the Strategy has contributed to this objective.

Firstly, the increase in knowledge (and mutual trust) since 2011 cannot ignore the **ever increasing integration of the EU Member States, cross-border transactions, travel and migration**. Naturally, because of increased movement of people, judicial activities have also become more cross-border. Stakeholders in the Member States also noted that awareness and understanding of the EU has also become more widespread in general and legal practitioners understand that they cannot work only within their national legal system's boundaries. Therefore, the impact of the Strategy (detailed below, i.e. political impetus, promotion of cross-border training activities) has been complemented by this ongoing development but this factor also makes it more difficult to attribute improvements solely to the Strategy.

Secondly, not only have cross-border activities contributed to this objective, **the Strategy** itself is regarded by some Member States as an important document in supporting training on EU law at the EU and national level. At the EU level, the Strategy is well recognised for providing a political

impetus to training on EU law. Nationally, some Member States (e.g. Belgium, France, Slovenia, and Spain) introduced specific measures to respond to the Strategy and further strengthen the EU dimension in its training activities. For example, in the case of France, a specific position in the Paris Bar Association was created to support professors to enhance the EU law dimension in their courses. In Belgium, the AIKOS programme was mandatory for new judges.

As well, some judicial schools mentioned that they would not be able to fund as many training activities on EU law as they do right now, if the activities of the EJTN and the funding programmes did not support them.

Thirdly, **cross-border training activities** have enabled legal practitioners to increase their knowledge on other Member States legislative framework. In the framework of these activities, legal practitioners have the opportunity to meet their counterparts and learn their legal practices. This contributes to increase on the one hand to legal practitioners' knowledge, and on the other hand, the mutual trust as explained in the subsection below.

Besides positive factors contributing to increased knowledge, there are still a number of **barriers** to achieving this objective. The barriers for legal practitioners were found to be relatively similar in all Member States, but to affect stakeholders in different ways. Nevertheless, two main issues arose consistently as the main concern throughout the public consultation: a **lack of understanding of the relevance of learning about EU law**, and the interviews: **the perception of the time invested in training as a loss**. Of these however, it is not possible to say that there is one more pertinent than the other.

Concerning the former, some legal practitioners are not aware of the benefits that EU law training could bring to their daily practice. Therefore, there is lack of understanding of the relevance of learning about EU law. This is linked to the second barrier mentioned above concerning the time invested in training. Due to the lack of understanding of the relevance of EU law training, the time invested in training activities does not seem worthy.

#### 4.1.2.2 Legal practitioners level of mutual trust in cross-border judicial proceedings

This objective is closely linked to the one above. As explained in the section on the baseline (see section 3.4.1), a 2009 study by the European Parliament highlighted<sup>193</sup> that mutual trust is linked to knowledge. When increasing their knowledge on legal practices in other Member States, as well as their competence in applying EU law consistently, legal practitioners tend to understand and trust more the decisions made by the authorities of other Member States. Besides, a better understanding of the forms of judicial cooperation in the EU contributes to increasing practitioners' trust in foreign judicial practice and decisions. Therefore, levels of knowledge of EU law and mutual trust often go hand in hand when speaking about judicial cooperation.

Overall, the level of mutual trust in the EU has increased since 2011, due in part to the Strategy.

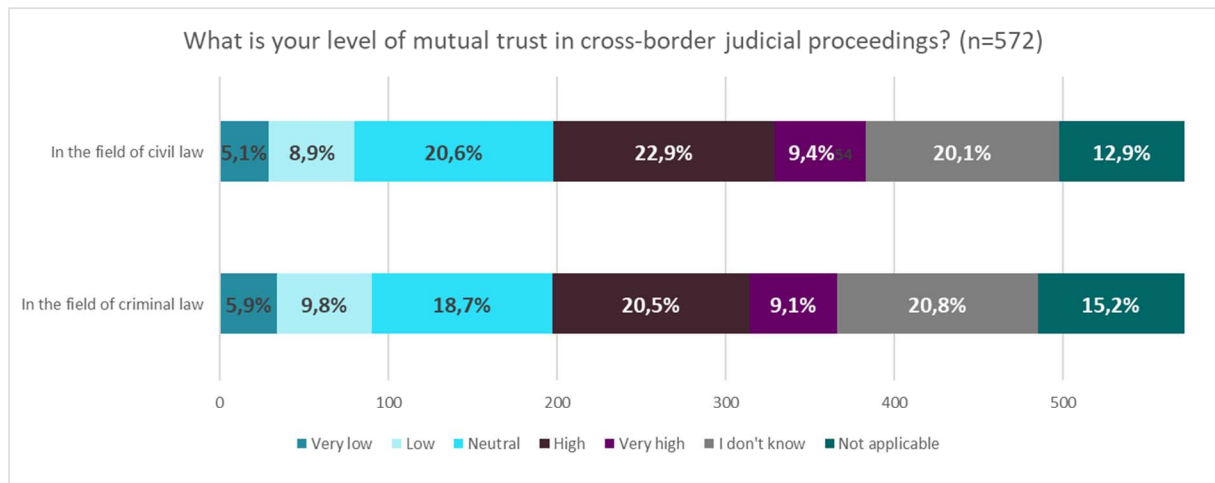
In the OPC, approximately 50% of respondents assessed that they had a neutral to very high level of mutual trust in civil and in criminal cross-border judicial proceedings (figure below), while only 15% of respondents declared to have a low or very low level of trust in other Member States civil and criminal judicial systems. However, we note that this data does not allow a country-by-country analysis<sup>194</sup> and is affected by a high percentage of "I do not know" (20%) and "not applicable" responses (13% in civil law and 15% in criminal law).

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<sup>193</sup> European Parliament (2009), *ibid.*, pp. 4 and 9.

<sup>194</sup> The data collected through the OPC does not enable us to assess the situation in each Member State as far as mutual trust is concerned because there are not enough replies to give an objective overview by country.

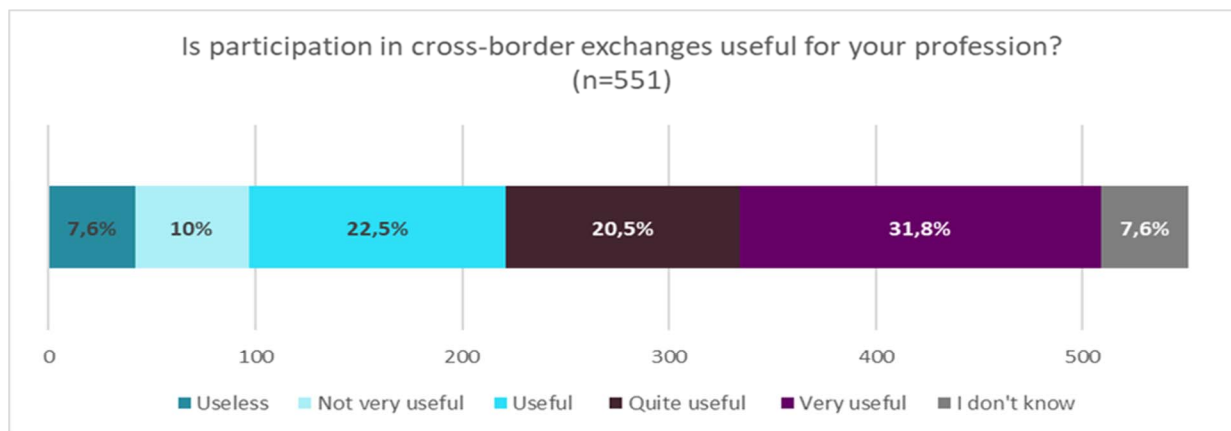
Figure 17: Mutual trust in cross-border judicial proceedings (OPC respondents)



Source: 2018 Public Consultation of the European Commission

The main factor linked to the Strategy that has contributed to the increased level of mutual trust is the **networking aspect and sharing of experience and best practice**. This is directly supported by the exchanges that take place through the EJTN or individual funded programmes. In the OPC, 74.8% of respondents found that cross-border exchanges were useful for their profession (see figure 16). A further 35.4% went on to indicate 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 if some conditions were met: 62.9% in total.

Figure 18: Usefulness of cross-border exchanges according to OPC respondents



Source: 2018 Public Consultation of the European Commission

In interviews, the majority of national training bodies highlighted the **strong added value of exchanges and transnational training activities**, indicating that a higher number of these activities could be organised. Interviewees noted that practitioners often learn a lot from their counterparts in other Member States and create relationships that are useful for future work. Most notably, practitioners we spoke with who had taken part in a cross-border exchange or activity mentioned that it had a lasting effect on them in their subsequent work<sup>195</sup>. They did, however, state that the same legal practitioners are usually partaking in these activities due to their language skills. OPC results also indicated transnational training and cross-border exchanges as the most useful tools for further reducing the differences in knowledge between the Member States.

<sup>195</sup> Supported also by findings in the public consultation: 86% of respondents indicated that they remember having subsequently used in their daily practice the knowledge acquired during training.



In addition, it is important to note that cross-border cases have become more widespread and thus legal practitioners have had to naturally become more familiar with EU law. These trends have very likely contributed to increasing the level of mutual trust among legal practitioners. However, the Strategy also has very positively contributed to this objective. As previously explained, the Strategy has raised awareness on the need for judicial training, triggering the necessary political impetus at national level. Besides, the Strategy has also strengthened the training providers' capacity, enabling them to organise cross-border training activities. Lastly, the Strategy has also promoted the creation of consortia via the EU funds, and supported the network of networks (e.g. via the conference on judicial training organised by the Commission almost annually).

The same barriers as above also hold true for mutual trust. In addition, however, the lack of language skills is also considered as a barrier to more effective mutual trust. In the OPC, 76% of respondents considered that the lack of language skills was a barrier when it comes to working with peers of another Member State: to some extent (20%), to a large extent (23%) and to a great extent (33%) (see figure 10). Even further, 48.8% of respondents believe that knowledge of a foreign language should be a prerequisite for the appointment to some professions of justice.

## Quality of cross-border proceedings for citizens and businesses

Importantly, developments in the level of knowledge and mutual trust of legal practitioners in the EU would be of no value if they did not result in enhancing the quality of legal practice. The essence of the Strategy is to strengthen the quality of judicial proceedings in the EU as a whole by ensuring that justice professionals have sufficient levels of knowledge on EU legal instruments.

Unfortunately, no baseline was established for the quality of cross-border proceedings in the EU. In addition, we found no entity or source monitoring the quality of cross-border proceedings in any of the Member States. We can therefore only rely on qualitative indications from stakeholders consulted in this study.

In the TC, when asked what they saw as the benefits of the strategy, almost one third of respondents identified improved quality of legal decisions as the main benefit. In this case, quality is referring to three different elements: the degree of knowledge of legal practitioners, the efficiency of their work as well as the sustainability of their decisions. In addition, the increased mutual trust among justice professionals across the EU has ensured smoother cross-border judicial proceedings, overall improving the quality of the latter. Furthermore, as shown by Eurobarometer data, EU citizens have been increasing their awareness and understanding of the EU as a whole, and the percentage of those tending to trust the EU has also increased over the last few years.<sup>196</sup>

### 4.1.3 Achievement of the general objectives

The progress under the operational and the specific objectives (where evidenced) has contributed to the achievement of the general objectives of the Strategy. The general objectives set out in the Intervention Logic are:

- Effective implementation of EU law, including correct application and uniform interpretation;
- Strengthened access to justice and legal certainty.

**The general objectives of the strategy have been achieved overall.** The achievement of these general objectives (i.e. implementation of EU law, and strengthened access to justice) cannot be exclusively attributed to the Strategy. The progress under the operational and specific objectives has also to be taken into account as it also contributed to the fulfilment of the general ones.

The Strategy has contributed to enhancing the level of knowledge of EU law as well as the level of mutual trust between legal practitioners. This has the potential to enable, on the one hand, an

<sup>196</sup> Special Eurobarometer 461, Designing Europe's future: Trust in institutions, globalisation, support for the euro, opinions about free trade and solidarity, pp. 18 and following.

**effective implementation of EU law** as the level of understanding concerning EU law and the EU instruments has generally increased since the adoption of the Strategy. On the other hand, it has also enhanced the quality of judicial proceedings ensuring a greater **access to justice**. Lastly, **legal certainty** has also improved as the Strategy has supported training activities to foster a common understanding and interpretation of EU law enabling a uniform application of EU law across Member States.

#### 4.1.3.1 Implementation of EU law

Our assessment found that the Strategy achieves to a large extent its objective of ensuring effective implementation of EU law, including correct application and uniform interpretation.

The data collected during the project indicated that legal practitioners' **knowledge of EU law** has increased overall across the EU thanks to the Strategy, amongst others. In particular, national training providers interviewed indicated that legal professionals have a better understanding of EU legal instruments (e.g. European Arrest Warrant) and are now familiar with how to use them in their daily work. The national training providers explained us that the questions and debates taking place amongst the legal practitioners in the training activities concern details and technical aspects of the topic concerned, proving an increase knowledge of EU law.

In addition, an enhanced level of **mutual trust**, built through the cross-border training activities organised under the Strategy, enables legal practitioners to develop their network. Indeed, legal practitioners meet their counterparts from other Member States during cross-border training activities. These relations between legal professionals facilitate future judicial cooperation, and enable thus an efficient implementation of EU law. As indicated during our interviews, the mutual trust is reinforced by the networks who ensure that legal practitioners are in touch and use the network to reach out their colleagues and solve doubts or questions they might have concerning EU law or law of another Member State.,

An enhanced level of knowledge of EU law, accompanied by an increased level of mutual trust, enable legal practitioners to better **implement EU law**. There is, however, still room for improvement as training is still needed: half of the current legal practitioners have not been trained on EU law, and there is a need to ensure and refresh the knowledge of those who have already participated in EU law related training activities.

#### 4.1.3.2 Access to justice and legal certainty for businesses and citizens

The evidence collected as part of this assignment and presented in the previous sections shows that; while there is still room for improvement, the Strategy does contribute to the access of justice and legal certainty for both businesses and citizens.

The Strategy has contributed on the one hand to improve the **access to justice**. The Strategy aims to improve the quality of judicial proceedings in the EU by ensuring that justice professionals have sufficient levels of knowledge on EU legal instruments. The correct application of EU law, and thus the enhanced quality of judicial proceedings, reinforces the access to justice.

On the other hand, the Strategy has also strengthened **legal certainty**. As discussed in Section 3.4.2.2 ('Indicators related to European judicial culture: knowledge and mutual trust'), the Strategy has enabled an increase of knowledge of legal practitioners on EU law as well as of their understanding of other Member States' law. Legal practitioners have now a deeper knowledge of EU law and its instruments. In addition, the level of mutual trust between legal professionals has also increased, due in part to the cross-border activities organised in the framework of the Strategy.

An increased level of knowledge on EU law, together with enhanced mutual trust, contributes to strengthening legal certainty. The Strategy has supported a common understanding and interpretation of the EU instruments, facilitating a uniform implementation of the *EU acquis* across the Member States. Therefore, business and citizens have a higher certainty that EU law will be applied consistently regardless of the Member State.

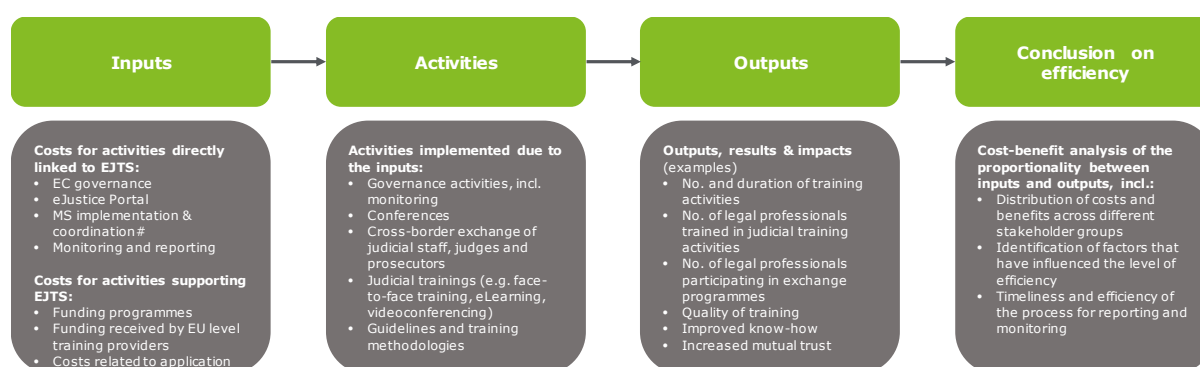
## 4.2 Efficiency

The assessment of **efficiency** considers the **relationship between the resources used by an intervention and the achievements and related benefits of the intervention.**

The assessment of the efficiency of the Strategy involves, in more concrete terms, an assessment of the proportionality of the costs and benefits associated with the implementation of the Strategy. The starting point for the assessment of the efficiency of the Strategy was thus the identification of costs on the one hand, and the benefits on the other hand. For this purpose, we examined the inputs in terms of costs that are a *direct* result of Strategy and costs that relate to the funds *supporting* the Strategy. It should be noted in this context that the Strategy is a *Communication*, hence not legally binding. Rather, it sets an overall framework for activities relating to European judicial training, calling for specific activities that lead to costs, including e.g. the active role of the EJTN. To identify the benefits, we examined the activities delivered as well as outputs, results and impacts of the Strategy.

The framework for our analysis is depicted in the following figure.

*Figure 19: Components considered as part of the assessment of the efficiency of the ETJS*



Source: Deloitte

More specifically, as part of the assessment of the efficiency of the Strategy, we examined the following:

- **Inputs in terms of the costs *directly* associated with the implementation of the Strategy,** including:
  - At the EU level, the governance of the Strategy, including the management of the relevant section of the e-Justice Portal.
  - At the Member State level, costs were e.g. incurred in relation to developing own strategies in line with the EJTS, as well as coordination efforts.
- **Inputs in the form of funding programmes that *support* the Strategy.** In addition to the costs that are a direct result of the implementation of the Strategy, costs were also incurred in relation to those funding programmes that support the implementation of the Strategy. Here, it is possible to distinguish between costs that were incurred in relation to each of the funding programmes prior to the adoption of the Strategy and additional, “redirected” funding that was allocated to training of legal practitioners as a result of the Strategy. An overview of the funding received by key EU level training providers is also provided. These data have, as far as possible, been broken down by year and source of funding (EU funding or national funding)<sup>197</sup>.

<sup>197</sup> In this context, it should be noted that in order to obtain a view concerning the overall costs associated with the implementation of the Strategy (may it be through direct costs linked to governance or costs in relation to supporting actions), the EU funding received by training providers is already accounted for as part of the costs that refer to the EU funding programmes. Hence, these data have not been aggregated, but merely serve to provide an indication of the resources available to each of the main EU training providers in view of the objective to enhance their capacity to provide training.

- **The benefits of the Strategy in the form of the activities delivered, as well as outputs, results and impacts** of the activities organised (looking at the effectiveness of the EJTS in achieving its objectives).
- **Conclusions on the cost-efficiency of the Strategy**, including an assessment of:
  - The proportionality of the relationship between the costs and the benefits;
  - The adequacy of the funds supporting the implementation of the Strategy;
  - Distribution of costs and benefits across different stakeholder groups;
  - Identification of factors that have influenced the level of efficiency;
  - Timeliness and efficiency of the process for reporting and monitoring.

The main findings are summarised below.

Based on limited, mostly opinion-based information, the **effects of the Strategy are overall viewed as having been achieved at a relatively reasonable cost**. However, due to a lack of hard quantitative data, this conclusion could not be confirmed through analytical findings.

As concerns the costs of the Strategy, a distinction should be made between costs that are a *direct result* of the Strategy and costs related to the funding programmes that *support* the Strategy.

**Direct costs include, at the EU level, costs related to the governance of the Strategy**, including the management of the relevant section of the e-Justice Portal. These costs amounted to around € 2 million over the period 2011 to 2017 for DG JUST.

Furthermore, **direct costs were also incurred at Member State level**, e.g. for developing national strategies in line with the EJTS, or for coordination activities. We found that the implementation of the Strategy varied across Member States. Due to its voluntary nature, some countries (e.g. Belgium, France and Germany) were more active than others (e.g. the UK and Ireland did not take any specific actions). The costs related to the implementation at national level vary accordingly. We do not have a full overview of the countries that did or did not put in place measures, as only patchy data was obtained in the interviews conducted. The stakeholders consulted were unable to estimate the costs relating to the Strategy and, when prompted to discuss specific costs, indicated that they were not significant.

In addition to the costs that were a direct result of the implementation of the Strategy, costs were also incurred in relation to the **funding programmes supporting the implementation of the Strategy**. Distinction can be made between costs that were incurred in relation to each of the funding programmes prior to the adoption of the Strategy and additional, “redirected” funding that was allocated to training of legal practitioners as a result of the Strategy. Overall, it was found that around € 160 million were allocated to training of legal practitioners from 2011 to 2017 under the Justice Programme, REC, Erasmus+ (Jean Monnet), the LIFE Programme and Hercule III<sup>198</sup>. The overall increase in funding over this time for the programmes for which information was available amounted to around € 13 million, corresponding to an increase of 88.8%. While the funding under these programmes was € 14 million in 2011, it had increased to € 27 million by 2017. According to verbal information from the Commission, DG JUST, the increase was in all cases triggered by the adoption of the Strategy.

As noted above, there are, however, **significant limitations in relation to the estimates of the costs associated with the implementation due to a lack of data**. Data concerning the costs associated with implementation and coordination of the Strategy at the national level, applications for funding and project documentation, as well as for monitoring and reporting are patchy at best and not accessible in most cases. It has therefore not been possible to aggregate these costs. Hence, **the total costs are higher than the figures given above**. Due to this uncertainty, the data obtained have not been aggregated.

As the assessment of efficiency constitutes an assessment of the proportionality of the costs and benefits, the main benefits stemming from the implementation of the Strategy and the supporting funding programmes are briefly recalled.

**Key benefits** achieved in relation to the objectives of the Strategy include an increased number of training activities on EU law, training 830 000 legal practitioners across the EU, more widespread use of e-learning, increased recognition of training activities in other EU Member States,

<sup>198</sup> No information was obtained for IPA or the ESF (due to the fact that while some information was provided to DG JUST by DG EMPL, reporting on training of legal professionals is not required in a structured manner under this programme).

and improvement of the capacity of training providers. All these aspects have contributed to increasing the quality of judicial training in the EU, enhancing legal practitioners' knowledge of EU law. The Strategy has also had a positive influence in terms of increasing mutual trust by implementing cross-border activities where legal practitioners (especially judges and prosecutors) build personal relationships and get informed about how other Member States implement EU law in their national systems.

Despite the noted data limitations, it is clear that the **inputs in the form of governance and funding have constituted an important asset supporting the provision of training by stakeholders**. Based on opinion-based information from the stakeholder consultations, the costs associated with the implementation of the Strategy were stated to **overall be considered to be proportionate and justified** in view of the benefits achieved during the time-period covered by the present evaluation, notably in terms of the number of legal practitioners trained.

Inadequate quantitative data is available to be able to confirm this finding by means of an objective analysis. More specifically, due to the lack of data, one key indicator concerning the efficiency of the Strategy in terms of the costs per training day has not been possible to calculate at an aggregate level. A snapshot picture of the efficiency of one training provider can nevertheless be given. Available data for the EJTN show that for this training provider, **whilst the budget increased by 73% from 2011 to 2017, the number of participants increased at around twice this rate (+137%) and the 'cost to serve' ratio decreased by 28%, clearly pointing to increased efficiency in delivering the training**. Furthermore, interestingly, the number of training days per person increased by 20%, from 4 days per person in 2011 to ca 5 days per person in 2017, and the number of persons trained per staff (trainer) by 35%. The high execution rate is also noteworthy: the implementation level of the Justice Programme increased from around 75% in 2011 to remarkable 95% in 2017.

This information is the only quantitative data accessed enabling to draw a conclusion concerning the level of efficiency in delivering training under the Strategy.

Whilst similar limitations with regard to data availability needs to be taken into account with regard to the analysis of the **costs and benefits of the implementation of the Strategy by different stakeholder groups, based on the views expressed**, the cost-benefit ratio seems to be overall **proportionate for all stakeholder groups**, with some limitations:

- The costs incurred by the **Commission, and notably DG JUST**, were relatively low compared to the workload for the established governance-related tasks. These tasks involved e.g. the Commission's activities relating to the organisation of the annual conference on judicial training, the Inter-Service Group, the Expert Group on European Judicial Training as well as the management of the allocation of funding from the different programmes. While verbal evidence suggests that the tasks that were given to the Commission staff were overall carried out effectively and efficiently, to govern the implementation of the Strategy in a more effective manner, additional activities (e.g. increased number of missions) and human resources (e.g. for further statistics, quality control and dissemination) would be required.
- As noted above, the **Member States** stated have only incurred very limited costs as a direct consequence of the Strategy and its implementation. Information concerning costs related to national funding programmes is not available. The benefits for the Member States in terms of increased training of legal practitioners and the expected improved quality of legal proceedings seem overall proportionately much larger than the costs incurred.
- **Training providers**, who should be viewed as "intermediaries" in relation to the implementation of the Strategy (as they obtain funding that they then use to deliver training to legal practitioners), were better off due to the Strategy and the increased financial resources available, and their capacity was enhanced. As a result, they were able to extend and improve their training offer and share best practices with other training providers, although this has not been done at its full potential. In relation to access to funding, they incurred costs for preparing project proposals, as well to monitor and report about them. Ways to (further) simplify the proposal submission processes could be considered, as some stakeholders indicated that they abstained from applying due to the cost of this process. Although some training providers indicated that they find the workload for monitoring and reporting too high, based on the information available concerning the actual resources needed, the current requirements do not seem overly burdensome.
- **More than 830 000 legal practitioners** benefited from training on EU law from 2011

to 2017. There is an overrepresentation of judges, in line with their training needs and EC objectives (given their key role in the justice process). Some legal practitioners were, however, not able to take part in the training offered due to language obstacles. The legal practitioners generally do not bear any costs for the training themselves insofar as they are employed, but this is rather covered by public administrations and their employers. The notable exception is self-employed legal practitioners (including e.g. many lawyers, notaries and liberal bailiffs), who may not invest the time necessary to participate in the training offered (although in some countries, lawyers may deduce training costs from their income tax). For the remaining groups of legal practitioners, the benefits for them clearly outweigh their costs.

- **The employers of legal practitioners** in some cases bear costs for participation fees, travel and accommodation, but these costs are also often covered by public institutions (in the case of judges and prosecutors, as well as court staff). While the legal practitioners participating in the training are not able to work during the time they attend the training (resulting in lost working time for the employers), the increased efficiency that can be expected as a consequence should generally outweigh these costs.

As concerns the distribution of costs and benefits among the different stakeholder groups considered, some stakeholders are rather net bearers of costs (e.g. the Commission and public authorities), whilst legal practitioners who are employed are net beneficiaries. Some stakeholders are both bearers of costs and beneficiaries, including employers of legal practitioners and self-employed legal practitioners. Training providers have an intermediary role and whilst they receive funding, the financial support received is normally invested in their training offer (the possibility for them to make a direct profit is only possible where financial support is obtained through a call for tender). Overall, the distribution of costs and benefits among different stakeholder groups seems reasonable, although the situation for self-employed legal practitioners is not ideal.

The following three main **factors have influenced the efficiency of the Strategy**:

- The **use of technology**, notably the increased availability of e-learning, has had a positive effect on the efficiency of the Strategy, which could be further explored.
- The objective of **building on the strengths of the existing networks** has also been achieved and has had a positive impact. The capacity of training providers has successfully been enhanced and has led to increased sharing of best practices.
- The potential for **re-using available materials**, e.g. on the e-Justice Portal, has been exploited only to a limited extent and there is scope for improvement in this regard.

To conclude, the Strategy seems to have brought about **some clear improvements concerning judicial training on EU law at a relatively reasonable cost**.

## 4.2.1 Inputs: Costs directly associated with the implementation of the Strategy

At EU level, the Commission is responsible for governing the Strategy and managing the e-Justice Portal. At national level, Member States prepare their own strategies on a voluntary basis, and coordinate the national efforts in implementing their strategy. Finally, efforts related to the monitoring and reporting requirements is considered. The available information concerning costs linked to these activities are outlined below.

### 4.2.1.1 The governance of the Strategy by the Commission

The European Commission is responsible for the governance of the Strategy at the EU level. Activities include e.g. the organisation of the annual conference on judicial training, the Inter-Service Group, the Expert Group on European Judicial Training and other coordination activities

(e.g. participating in yearly meetings of the EJTN, relationships with various stakeholders etc.<sup>199</sup>). Moreover, Unit B.1 of DG JUST is also involved in the management of the allocation of funding from different programmes and relevant monitoring and reporting activities (incl. the preparation of the annual report on the Strategy and evaluations). An overview of the different tasks and activities carried out by DG JUST, Unit B.1 for the purpose of the governance of the Strategy is provided in the following table.

*Table 14: Overview of governance tasks and activities carried out by DG JUST, Unit B.1*

Type of task	Specific activities
Policy work	<ul style="list-style-type: none"> <li>• Briefings</li> <li>• Speeches</li> <li>• Policy development</li> <li>• Strategic notes</li> <li>• Evaluation of the 2011-2017 Strategy</li> <li>• Start drafting the new strategy</li> </ul>
Public relations with external stakeholders (national or EU-level, training providers, associations of justice professionals)	<ul style="list-style-type: none"> <li>• Meetings</li> <li>• Conferences</li> <li>• Delivery of speeches</li> </ul>
Running the expert group on European judicial training	<ul style="list-style-type: none"> <li>• Content and logistics</li> </ul>
Running the inter-service group on European judicial training, relationships with and advice to colleagues (including EPPO, participation in the Task force Security Union Sub-group on anti-radicalisation)	
Organisation of an annual conference	
Publication of an annual report on European judicial training	<ul style="list-style-type: none"> <li>• Data collection</li> <li>• Data verification and data compilation</li> <li>• Drafting of report and graphs</li> <li>• Drafting of Commissioner's preamble</li> <li>• Publication</li> </ul>
Budget and financial management	<ul style="list-style-type: none"> <li>• Preparation of the Justice programme annual programme</li> <li>• Drafting of the annual call for proposals on European judicial training</li> <li>• Evaluation of the call for proposals, as evaluators of the applications and as members of the evaluation committee</li> <li>• Briefing of the beneficiaries at kick-off meetings (DG JUST, DG COMP)</li> <li>• Participation in the evaluation committees of calls for proposals or call for tenders of other DGs (DG COMP, DG ENV, JUST.D1)</li> </ul>
Evaluation of interim deliverables of DG Justice's co-funded training projects	<ul style="list-style-type: none"> <li>• <i>Beyond the training call, even if this constitutes the vast majority</i></li> </ul>
Evaluation of progress reports and of final reports of DG Justice's co-funded training projects	
International dimension	<ul style="list-style-type: none"> <li>• Participation in DG Justice's international correspondents meetings</li> <li>• Relationship with JUST.02, DG NEAR, EJTN, regarding the training in the Western Balkans or in Ukraine</li> <li>• Participation in the evaluation reports on candidate countries and in the screening processes</li> </ul>
Training section of the European e-Justice Portal; update, European Training Platform	

<sup>199</sup> European Commission (2014): Memorandum of Understanding. See: [https://www.ejn-crimjust.europa.eu/ejnupload/News/Memorandum\\_of\\_Understanding\\_LOT\\_4\\_signed.pdf](https://www.ejn-crimjust.europa.eu/ejnupload/News/Memorandum_of_Understanding_LOT_4_signed.pdf)

Type of task	Specific activities
Organisation of study visits of magistrates to the Commission	<ul style="list-style-type: none"> <li>• Content</li> <li>• Speakers</li> <li>• Delivery of presentations</li> </ul>

Source: European Commission, DG JUST, Unit B.1

Overall, while the activities foreseen were in general carried out in an effective and efficient way, some limitations were raised in consultations of Commission officials:

- The lack of a statistical expert in the team led to more time-consuming work and issues of reliability of some data of the annual report;
- The training material section of the European e-Justice Portal was last updated in 2015;
- Only one meeting of the Inter-service group on European judicial training was held in 2016 and none in 2017 (the ISG was only consulted by email);
- The launch of the ETP was partly delayed due to a lack of internal resources;
- The data collection process could be improved;
- The follow-up of prison staff training was done, but only to a minimum (a grant was given in 2017 to help mitigating this issue);
- Ideally, more should have been done to follow-up on court staff's training needs on EU law.

The tasks related to the monitoring and reporting of the Strategy examined in further details below in the dedicated section on monitoring and reporting.

The table below provides an overview of the estimated costs that were incurred for the governance of the Strategy at the EU level from 2011-2017 by DG JUST. It should be noted that the overview does not take into account staff costs relating to the management of funding (mostly at DG JUST, but also at other DGs responsible for funding), as data were not available at this granular level.

*Table 15: Annual expenses incurred by DG JUST for the governance of the Strategy (in thousands of EUR)*

Type of costs	Annual costs							Overall costs (2011-2017)
	2011	2012	2013	2014	2015	2016	2017	
<b>Staff costs for managing the implementation of the Strategy</b>								
No. of staff at DG JUST, Unit B1, Criminal Justice and Judicial Training	2 FTE	2 FTE	2 FTE	2 FTE	2 FTEs + 30% of 1 FTE	2 FTEs + 30% of 1 FTE	3 FTEs + one trainee occasionally	
<b>Staff costs<sup>200</sup></b>	<b>174</b>	<b>174</b>	<b>174</b>	<b>174</b>	<b>212</b>	<b>212</b>	<b>378</b>	<b>1 498</b>
<b>Expenses related to the implementation of the Strategy</b>								
Organisation of annual conferences (DG JUST)			65	117	65	83	85	415
Expert Group on European Judicial Training (four meetings in total)	15	15			30			60
<b>Total expenses</b>	<b>15</b>	<b>15</b>	<b>65</b>	<b>117</b>	<b>95</b>	<b>83</b>	<b>85</b>	<b>475</b>

<sup>200</sup> The costs of one FTE has been estimated at € 126 000 per annum.



Type of costs	Annual costs							Overall costs (2011-2017)
	2011	2012	2013	2014	2015	2016	2017	
<b>Grand total</b>								<b>1 973</b>

Source: Deloitte based on information provided by the Commission, DG JUST

As can be seen from the table, the largest share of costs relates to **staff costs at DG JUST**. While in 2011 two full-time equivalents (FTEs) were working on the governance of the Strategy, in 2017, this figure had increased to three, ranging from € 174 000 for 2 FTEs from 2011 to 2014 to aggregate staff costs of € 378 000 for 3 FTEs in 2017<sup>201</sup>.

The **costs for organising and holding conferences** vary from year to year. During the last five years, the costs ranged from € 65 050 in 2013 and 2015 (the lowest costs) to € 117 250 in 2014 (the highest costs).

Costs were also incurred in relation to the **organisation and chairing of as well as participation in the meetings of the Expert Group on European Judicial Training**. Four meetings took place between 2011 and 2017, each for a cost of around € 15 000, with a total cost of around € 60 000<sup>202</sup>.

Turning to the management of the relevant sections of the e-Justice Portal, according to the Strategy, the European e-Justice Portal should serve as a **reference tool in the context of judicial training**. For this purpose, the Commission aimed at developing the training section of the Portal further and making sure that it provides information about training providers and training events, easy access to legal databases and high quality training material, as well as information regarding EU co-funding possibilities<sup>203</sup>.

More specifically, the Commission has both been responsible for running the IT systems and managing the content. The management of the e-Justice Portal includes corrective, adaptive and evaluative maintenance of the e-Justice Portal and its modules. Content is provided by national public institutions as well as training providers. While data are available concerning the overall costs for running the IT platform of the e-Justice Portal, the share associated with judicial training specifically is so small that it is not significant.

The annual budget made available for the e-Justice Portal ranged from € 0.3 to 2.3 million in the years 2011-2017. However, the content relating to judicial training represents only a very small part of the e-Justice Portal. Thus, only a very small share of the budget for the e-Justice Portal in fact relates to judicial training. It has not been possible to estimate the extent of this share based on the information obtained as part of this evaluation. It is considered as an insignificant amount by the e-Justice team.

Whilst outside of the scope of this evaluation, which covers the time-period 2011-2017, it can be noted that the Commission is set to launch the **European Training Platform (ETP)**, a new segment on the e-Justice Portal, in October 2018. Its purpose will be to provide centralised information on the training offers available at the EU and national levels. The Commission has already incurred **development costs** relating to the ETP and is expecting additional development costs before going live, amounting to a total of € 190 000.

#### 4.2.1.2 Implementation / coordination of the Strategy at the national level

With regard to the **implementation of the Strategy at the national level**, as outlined in the section on effectiveness, the national public institutions are encouraged by the Strategy to ensure that national strategies are in place and aligned with the Strategy, and to coordinate national efforts. Depending on the Member State, these activities could be implemented by ministries, national authorities or training providers. However, this is done on a voluntary basis, as the

<sup>201</sup> Unit B1, Criminal Justice and Judicial Training.

<sup>202</sup> Information received from DG JUST.

<sup>203</sup> COM (2011) 551 final.

Strategy is not binding. Professional associations and training providers at EU and national levels input relevant aspects of training priorities and monitor success. Information on the costs for these activities is not available.

We found that the **implementation of the Strategy varies** across Member States; some countries are more active than other countries due to its voluntary nature. On this basis, the **costs related to the implementation at national level vary accordingly**. Overall, the costs involved do not seem to be perceived as significantly high. Indeed, most stakeholders found it difficult to come up with costs relating to the Strategy and, if prompted to discuss specific costs, indicated that they were not significant. Due to the lack of relevant data, it has not been possible to make a reliable assessment of the efficiency of implementation / coordination of the Strategy at the national level.

### 4.2.1.3 Monitoring and reporting

In its conclusions of October 2011, the Council called on the Commission to present “yearly a report on European judicial training, based on any contributions received from the EJTN and its members and from legal practitioner organisations at national and EU level”<sup>204</sup>.

In line with this, the Commission manages the **monitoring and reporting** required under the Strategy. In order to prepare its annual reports, the Commission circulates requests for data amongst EU (e.g. EJTN, CCBE, UIHJ, CEHJ, CNUE) and national level (i.e. Member States) stakeholders concerning their training activities. An overview of the inputs of different stakeholders by year is given in the section on the effectiveness of the Strategy.

As concerns the costs for providing the relevant data, the Commission’s costs are covered above under governance. Only very limited opinion-based information is available concerning the activities and costs of other stakeholders.

With regard to the **process of collecting the required data**, many stakeholders disseminate the requests to other stakeholders within their Member State or network. Thus, in practice, the stakeholders listed provide data only on their own training activities and in some cases coordinate the collection of data in their Member State / network.

Interviewees and TC respondents indicated that there was **room for improvement as concerns the efficiency of the process for monitoring and reporting**.

In the TC, a combined 40% of the respondents that replied to the relevant question indicated that they were of the view that the process for reporting and monitoring under the Strategy had been **efficient** to some/a large/a great extent, but many indicated that they did not know (44.3%)<sup>205</sup>. A few respondents commented that the reporting takes a long time, but recognised its importance for the prioritisation of future needs and preparation of future programmes.

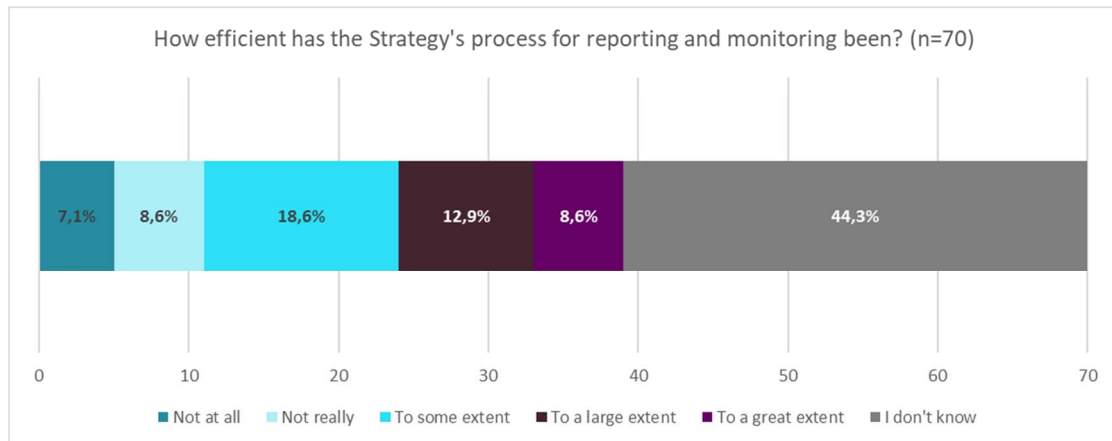
However, some respondents to the TC as well as interviewees highlighted difficulties in providing data for the annual reports because the data needed to respond to the relevant questions are not collected in a standardised way at the national level.

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<sup>204</sup> Council conclusions on European Judicial Training. 3121st JUSTICE and HOME AFFAIRS Council meeting. Luxembourg, 27 and 28 October 2011.

<sup>205</sup> The survey did not provide the possibility for the respondent to indicate that s/he considered the Strategy to “not be efficient at all”.

Figure 20: Efficiency of the process for reporting and monitoring required in relation to the Strategy according to TC respondents



Source: European Commission, visualisation by Deloitte.

Only very few interviewees were able to provide **estimates of how long it takes to prepare the relevant data** for the compilation of the annual report<sup>206</sup>. One interviewee from a national bar association indicated that the estimated the cost and time effort for collecting the relevant data and reporting to the Commission is rather high. Around 10 hours of working time had to be dedicated to the collection of data from the regional bar associations and filling in the yearly questionnaire. On top of this, regional bar associations carrying out training have to spend time gathering the relevant data on the training sessions they have held. A small training provider for bailiffs in another country indicated that they spend around half an hour per year on gathering statistics on EU law training they have carried out. It can be assumed that this may take longer for larger training providers with more projects. No further information was obtained from other stakeholders. Overall, the time taken to prepare the relevant data does not seem to be overly burdensome, but the evidence is of course very limited. As can be seen from the above figure concerning the efficiency of the monitoring and reporting on the Strategy, in total around 15% of the TC respondents considered the reporting to not be efficient at all or “not really”. On the other hand, around 40% indicated that it was efficient to some extent, to a large extent or to a great extent.

#### 4.2.2 Inputs: Costs for funds supporting the implementation of the Strategy

In this sub-section, costs linked to applications for funding are outlined.

In addition to the costs directly linked to the Strategy in terms of its governance and implementation at the EU and national levels discussed above, funding programmes *support* its implementation. More specifically, the **development and delivery of training for legal practitioners is funded under specific EU programmes and provided to EU level training providers mainly via operating grants or action grants, and sometimes via procurement contracts.**

Although not explicitly called for in the Strategy, Member States provide funding for the delivery of training at national level, including both training activities and other nationally organised activities at Member State level (that usually have a cross-border scope with participants from different EU Member States), as well as training activities on EU legislation for legal practitioners from the own Member State where only national legal practitioners participate. The Member States also co-fund projects supported with funds from EU programmes. As the Member States are free to decide on

<sup>206</sup> Whilst the information obtained by no means can be considered to be representative, the available information is provided in order to at least illustrate the efforts involved for those actors that provided information in a qualitative way. No other sources providing information on the efforts made in quantitative terms have been identified than those quoted.

the amount of funding they provide, the focus of this section is the funding made available at the EU level as called for in the Strategy.

In this regard, it can also be noted that detailed information concerning the funding made available for training of legal practitioners at the national level is not available. Information concerning the funding of training for legal practitioners in the Member States was requested in interviews conducted as part of the present assignment, but relevant information was not received<sup>207</sup>. Some information concerning national funds received by some of the key EU level training providers has been obtained and is provided in the dedicated sub-section.

#### 4.2.2.1 EU level funding allocated to training of legal practitioners

Based on the Strategy, the European Commission aimed at making the best possible use of the EU funding programmes that existed in 2011 and highlighting judicial training as a priority under the MFF 2014-2020. In addition, the Commission planned on assessing the possibilities for providing funding to the (at the time) acceding country Croatia, as well as candidate, potential candidate and neighbourhood countries.

Training for legal practitioners is funded under the following **EU funding programmes**:

- **Justice Programme** (until 2013 the Civil Justice Programme and the Criminal Justice Programme): The Justice Programme supports training activities such as exchanges, workshops and the development of training modules. Additional activities that may be funded under the Programme include mutual learning, cooperation activities and the exchange of good practices<sup>208</sup>.
- **REC (Rights, Equality and Citizenship)**: The programme contributes to the development of the EU as an area where equality and the rights of persons that are stipulated in the Treaty, the Charter and international human rights conventions are respected.
- **Erasmus+ (Jean Monnet)**: Under the Erasmus + programme, Jean Monnet Activities support the following designated institutions pursuing an aim of European interest and conducting training activities for legal practitioners<sup>209</sup>:
  - the European University Institute;
  - the European Institute of Public Administration;
  - the Academy of European Law;
- **Hercule III Programme**: The European Anti-Fraud Office is in charge of the Hercule III programme. Funded actions mainly aim at preventing and combating fraud, corruption and other illegal activities affecting the EU's financial interest<sup>210</sup>. Actions eligible for funding include legal training and studies as well as training, conference and staff exchanges<sup>211</sup>.
- **LIFE Programme**: LIFE is the EU's financial instrument supporting environmental, nature conservation and climate action projects throughout the EU. The European Commission aims at enhancing the role of judges and prosecutors in the implementation of EU environmental law by supporting training activities in this field. Since 2008, the European Commission has worked with EIPA and then ERA for the provision of seminars and workshops under a procurement contract.

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<sup>207</sup> Only some of the training providers interviewed were able to provide the funding allocated to training overall, but did not provide further details (i.e.; funding made available to deliver EU law related training activities).

<sup>208</sup> DG JUST (2017): Justice Programme, see: [http://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index\\_en.htm](http://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm)

<sup>209</sup> Of these, the European Centre for Judges and Lawyers of the European Institute of Public Administration (EIPA-Luxembourg) and the Academy of European Law (ERA) are EU-level judicial training providers as their main function. The European University Institute of Firenze occasionally receives an action grant under the Justice programme to support judicial training on competition law or on fundamental rights.

<sup>210</sup> CCBE (2017): Call for Proposals for Erasmus +, <http://training.ccbe.eu/category/funding-opportunities/>

<sup>211</sup> European Anti-Fraud Office (2018): Hercule III Programme (2014-2020): Calls for proposals 2018, [https://ec.europa.eu/anti-fraud/policy/hercule/hercule-iii\\_en](https://ec.europa.eu/anti-fraud/policy/hercule/hercule-iii_en)

- **Instrument for Pre-accession Assistance**<sup>212</sup>: The Instrument for Pre-accession Assistance is the means by which the EU supports reforms in the enlargement countries with financial and technical help. More specifically, support is provided for political and economic reforms, and preparing these countries for the rights and obligations that come with EU membership.
- **European Social Fund (ESF)**: Under some of its thematic objectives, the ESF provides funding for judicial training, in particular training and vocational training for skills and lifelong learning, as well as support to enhancing the institutional capacity of public authorities and stakeholders, and efficient public administration.

The table below shows the evolution of funding made available by the Commission for judicial training activities by financial programme from 2011 to 2017. The ESF is, however, not included in the overview table, since the exact amounts dedicated to training under the ESF are not reported to DG EMPL in the national reports. The same applies with regard to the Instrument for Pre-accession (IPA) for which the exact amounts dedicated to judicial training in the Member States are not reported to DG JUST.

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<sup>212</sup> It should be noted that IPA finances TAIEX, which covers technical assistance for candidate and potential candidate countries from Western Balkan.

Table 16: Overview of funding dedicated to judicial training via the different EU funding programmes (2011-2017 in EUR million)

Funding per year in Euro (2011-2017)	(Civil and criminal) Justice programme	Rights, Equality and Citizenship programme	Erasmus + / Jean Monnet programme *	Hercule III programme	LIFE programme	Grand total
<b>2011</b>						
Action Grants	3.716.831 €	466.652 €		652.327 €		4.835.810 €
Operating Grants	5.499.982 €		1.790.000 €			7.289.982 €
Procurement	687.315 €	1.402.259 €			249.282 €	2.338.856 €
<b>Total</b>	<b>9.904.127 €</b>	<b>1.868.912 €</b>	<b>1.790.000 €</b>	<b>652.327 €</b>	<b>249.282 €</b>	<b>14.464.648 €</b>
<b>2012</b>						
Action Grants	3.872.441 €	466.652 €		293.236 €		4.632.329 €
Operating Grants	6.109.868 €		2.561.000 €			8.670.868 €
Procurement	351.145 €	1.363.580 €			187.616 €	1.902.341 €
<b>Total</b>	<b>10.333.453 €</b>	<b>1.830.233 €</b>	<b>2.561.000 €</b>	<b>293.236 €</b>	<b>187.616 €</b>	<b>15.205.538 €</b>
<b>2013</b>						
Action Grants	4.564.437 €	6.087.114 €		1.700.000 €		12.351.551 €
Operating Grants	6.539.681 €		2.612.000 €			9.151.681 €
Procurement		2.038.174 €			198.418 €	2.236.592 €
<b>Total</b>	<b>11.104.118 €</b>	<b>8.125.287 €</b>	<b>2.612.000 €</b>	<b>1.700.000 €</b>	<b>198.418 €</b>	<b>23.739.823 €</b>
<b>2014</b>						
Action Grants	7.379.112 €	3.123.038 €		643.405 €		11.145.555 €
Operating Grants	7.300.000 €		2.664.240 €			9.964.240 €
Procurement	589.420 €	863.499 €			269.267 €	1.722.185 €
<b>Total</b>	<b>15.268.531 €</b>	<b>3.986.537 €</b>	<b>2.664.240 €</b>	<b>643.405 €</b>	<b>269.267 €</b>	<b>22.831.980 €</b>
<b>2015</b>						
Action Grants	10.049.151 €	2.996.564 €		314.810 €		13.360.525 €
Operating Grants	7.880.000 €		2.717.525 €			10.597.525 €
Procurement		1.480.098 €			263.858 €	1.743.956 €
<b>Total</b>	<b>17.929.151 €</b>	<b>4.476.662 €</b>	<b>2.717.525 €</b>	<b>314.810 €</b>	<b>263.858 €</b>	<b>25.702.006 €</b>
<b>2016</b>						
Action Grants	12.798.117 €	1.397.808 €		798.065 €		14.993.990 €
Operating Grants	8.800.000 €		2.724.114 €			11.524.114 €
Procurement		2.096.208 €			255.528 €	2.351.736 €
<b>Total</b>	<b>21.598.117 €</b>	<b>3.494.016 €</b>	<b>2.724.114 €</b>	<b>798.065 €</b>	<b>255.528 €</b>	<b>28.869.840 €</b>
<b>2017</b>						
Action Grants	11.781.796 €	712.510 €		145.000 €		12.639.306 €
Operating Grants	9.500.000 €		2.724.114 €			12.224.114 €
Procurement	782.507 €	1.364.081 €			297.197 €	2.443.785 €
<b>Total</b>	<b>22.064.302 €</b>	<b>2.076.591 €</b>	<b>2.724.114 €</b>	<b>145.000 €</b>	<b>297.197 €</b>	<b>27.307.204 €</b>
<b>Total</b>						
Action Grants	54.161.884 €	15.250.338 €		4.546.843 €		73.959.065 €
Operating Grants	51.629.531 €		17.792.993 €			69.422.524 €
Procurement	2.410.386 €	10.607.899 €			1.721.166 €	14.739.450 €
<b>Total</b>	<b>108.201.801 €</b>	<b>25.858.236 €</b>	<b>17.792.993 €</b>	<b>4.546.843 €</b>	<b>1.721.166 €</b>	<b>158.121.039 €</b>

Funding per year in Euro (2011-2017)	(Civil and criminal) Justice programme	Rights, Equality and Citizenship programme	Erasmus + / Jean Monnet programme *	Hercule III programme	LIFE programme	Grand total
Share						
Action Grants	50%	59%		100%		
Operating Grants	48%	0%	100%			
Procurement	2%	41%			100%	
Total	100%	100%	100%	100%	100%	

Source: Deloitte based on Commission documentation and consultations of Commission officials in charge of the programmes.

Based on the available data, the contributions increased noticeably from € 14 million in 2011 to € 27 million in 2017 in the overall amounts. All programmes considered showed an increase with one exception: the Hercule III Programme. The percentage increase of the individual programmes from 2011 to 2017 are as follows:

- Justice Programme: +123%;
- REC: +11%;
- Erasmus+ (Jean Monnet): +52%;
- Hercule III: -78%;
- LIFE Programme: +19%.

With regard to the funding available for training, it is relevant to consider the “redirection” of funding due to the Strategy, i.e. whether additional funds were made available as a result of the Strategy or if additional funding would have been made available in any case. Whilst quantitative estimates are not available in the strict sense, based on information received from officials in DG JUST B.1., the Strategy had the following impacts on the level of funding available:

- DG JUST (in charge of the Justice Programme and REC): The Strategy did not only lead to an increase in the funding allocated to training, but also led to the creation of new posts within DG JUST (2 FTEs as of 2011, which was increased over time, to reach 3 FTEs in 2017).
- EACEA (Erasmus+ (Jean Monnet)): All entities benefited from the small increases under Jean Monnet. ERA’s budget in particular was increased in 2010 by the European Parliament in order to respond to the Strategy (the increase was around 570 000 EUR).
- OLAF (Hercule III Programme): The Strategy did not have any major positive impact; the support to training of legal practitioners was continued.
- DG ENV (LIFE Programme): The small increase is in line with the Strategy.
- DG NEAR (Instrument for Pre-accession Assistance): Due to the existence of the Strategy, training was included in the programme, also for Ukraine. DG NEAR, who is in charge of the programme, also supports the involvement of the candidate countries as observers in the EJTN.
- DG EMPL (ESF): The Strategy has resulted in that it has been specified that the funding can be used for training of legal practitioners. No data concerning the specific activities that have been carried out as a result is available.

Clearly, the Strategy has led to increased funding to and visibility of training (needs) of legal practitioners at the EU level.

#### 4.2.2.2 Funding received by EU level training providers

Several EU level organisations that deliver training on EU law receive regular support (via operating grants or action grants<sup>213</sup>) from the Commission as well as the Member States, including

<sup>213</sup> An operating grant serves to ensure that the organisations can continue their operations and are thus “directly” for the organisations, while action grants are provided to specific actions and projects. It can be noted that the national training providers fund only the 20% of co-funding when it is part of an action grant, or cover the local logistical costs when it is part of an EJTN activity.

the EJTN, ERA, EIPA, ENCJ, CCBE, CNUE, ACA-Europe, UIHJ and EULITA. Of these, the European Centre for Judges and Lawyers of the European Institute of Public Administration (EIPA-Luxembourg) and the Academy of European Law (ERA) are EU-level judicial training providers as their main function. The European University Institute of Florence occasionally receives an action grant under the Justice Programme to support judicial training on competition law or on fundamental rights.

Training providers are essentially “intermediaries” in that they provide training to the direct beneficiaries, i.e. legal practitioners. This said, as concerns the funding received by training providers, distinction should be made between:

- Training activities that are co-funded through calls for proposals (where training providers normally bear a share of the costs incurred themselves, such as non-eligible or only partially covered overheads costs);
- Calls for tenders (where training providers could make a profit, i.e. being net beneficiaries).

Funding is obtained from both the EU Commission and the Member States<sup>214</sup>.

In this context, it should be noted that in order to obtain a view concerning the overall costs associated with the implementation of the Strategy (may it be through direct costs linked to governance or costs in relation to supporting actions), the funding received by training providers from the EU is already accounted for as part of the costs that refer to the EU funding programmes given above. Hence, these data should not be aggregated with those provided above, but serve to provide an indication of the resources available to each of the main EU training providers.

In addition to the EU funding, the training providers also receive funding from the Member States, as shown in the table below.

The following table provides an overview of the source of the funding received by some of the main training providers in 2011 and 2017, i.e. EU funding from the Commission or national funding from the Member States. Relevant data were obtained from three of the nine main training providers. Since the annual reports of these organisations do not provide information concerning the exact source of funding, the information obtained was requested directly from these organisations<sup>215</sup>.

*Table 17: Contributions to training providers (2011 and 2017)*

Training provider	Source of funding	2011	2017	Development (2011-2017) as %
EJTN	Commission	€ 5 500 000	€ 9 500 000	72.7%
	Member States	€ 359 000	€ 396 900	10.6%
EIPA-Luxembourg	Commission	€ 320 478	€ 587 670	83.4%
	Member States	€ 365 693	€ 498 340	36.3%
ERA	Commission	€ 4 004 812	€ 6 365 044 <sup>216</sup>	58.9%
	Member States	€ 2 115 000	N/D	
<b>Total</b>		<b>€ 12 664 983</b>	<b>€ 17 347 954</b>	<b>36.9%</b>

Source: Deloitte based on data provided by the Commission, DG JUST, and the relevant training providers.

Based on the data obtained, it can be concluded that the Commission contribution to these training providers increased significantly between 2011 and 2017. Information concerning the level of

<sup>214</sup> Information concerning the exact sources of EU and national funding was not requested.

<sup>215</sup> Efforts to identify data from other organisations were made via email requests and by means of desk research. However, the annual reports of these organisations do not report on the funding received at this granular level. Information concerning the specific EU funds was not requested, only a breakdown of funding received from the EU and the Member States, as well as whether the funding obtained was in the form of operating or action grants.

<sup>216</sup> This figure includes a framework contract with a max. value of € 2.7 million, for which the exact amount received by ERA is not known.



funding provided by the Member States is not available comprehensively and thus does not generally allow for an analysis of the change over time. It can be noted that due to that data concerning the Member States' contributions to ERA are missing for 2017, the actual total increase in funding is higher than the 37% identified in the table above.

As depicted in the table above, the funding by the European Commission increased in all cases.

The highest increase in the contribution was provided to the **EJTN**<sup>217</sup>. Indeed, the Strategy called for Member States to reinforce their contribution to the Network, but also the contribution from the Commission increased<sup>218</sup>. While in 2011, the Commission contributed around € 5.5 million to the EJTN, the contribution had more than doubled over this time with a contribution of € 9.5 million in 2017. The EJTN received the most significant contributions via operating grants from the Commission and small financial support from the Member States.

The funding was used by EJTN for its 21 staff, in charge of organising exchanges and seminars for legal practitioners, as well as to cover other expenses relating to their activities, such as logistics related to meetings<sup>219</sup>.

The EJTN is membership-based and national judicial training providers from all EU Member States (and beyond) participate in its activities, including its working groups<sup>220</sup>. The members of the EJTN at the national level reported that they **do not incur any significant costs**<sup>221</sup>, as most expenses relating to the EJTN are covered by the EJTN grants. In addition to their annual contributions, the national EJTN members may face some costs, for example, in terms of time spent on participating in the training (lost working time) and travel time. The training providers consulted were not able to quantify these costs and generally did not consider these costs to be a burden, including because the activities are voluntary.

The Strategy also specifically refers to EIPA and ERA, both providing a cross-border training offer targeting judges, prosecutors and other legal practitioners.

The funding received by **EIPA** from the Commission increased by almost 85% from 2011 to 2017 (from € 320 000 to € 590 000) and from the Member States by around 35% (from € 365 000 to € 500 000). This data on funding received by EIPA does not, however, give a full picture of the funding received, as it is restricted to funds received through framework contracts, other service contracts and action grants. Regarding the question as to how much EIPA received in the form of operating grants, it should be noted that EIPA's mandate goes beyond judicial training or legal training as such. It is the Luxembourg antenna only which is specialised in judicial training. EIPA corporate as such delivers a great number of training activities in relation to EU decision-making, EU regional policy and cohesion funds, public administration, EU external relations, EU budget, negotiating skills and public policy issues etc. that are not of relevance to judges. Therefore, taking the operating grant received by EIPA into account, even partially, would be misleading for calculating the level of EU funding that are received for judicial training. Hence, this information has not been taken into account.

Turning to **ERA**, while in 2011 the Commission contributed around € 4 million to ERA, the contribution is expected to have increased to just over € 6 million in 2017<sup>222</sup>.

In addition, the Strategy highlights that **European associations of legal professions** play an important role in the coordination of the Strategy. Examples include the CCBE, the CNUE and the ENCJ, which act at the EU level for the interest of their represented profession. These European associations of legal professions contribute to the implementation of the Strategy, for example, by

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<sup>217</sup> As noted in the previous sections, the EJTN plays a central role in the implementation of the Strategy, including by coordinating the activities of its judicial training school members, facilitating the sharing of good practices, and organising seminars and exchanges for judges and prosecutors.

<sup>218</sup> P. 9 of the Strategy: The EJTN should commit to the reinforcement of the sustainability of its structure and develop a strategy to reach greater numbers of legal practitioners from more Member States.

<sup>219</sup> EJTN (2016): Annual Report 2016. See: [http://www.ejtn.eu/PageFiles/16274/EJTN\\_Annual\\_Report\\_2016\\_FINAL.pdf](http://www.ejtn.eu/PageFiles/16274/EJTN_Annual_Report_2016_FINAL.pdf)

<sup>220</sup> Dedicated Working Groups are responsible for planning and implementing EJTN's programmes and projects within their specific fields. Sub-Working Groups are also set up to address specific issues or projects. <http://www.ejtn.eu/About/About-EJTN/Structure/>

<sup>221</sup> The costs refer to their annual contributions.

<sup>222</sup> This figure includes a framework contract with a max. value of € 2.7 million, for which the exact amount received by ERA is not known.

organising exchanges of good practices, supporting their members in the application process to EU funding and providing the Commission with data for monitoring and evaluation purposes, and drafting the AJTR. They are also partners with other providers to organise training activities. However, no information on the budget of these associations in relation to training was obtained<sup>223</sup>.

Information concerning the extent to which operating grants are deemed necessary by the training providers to subsist in their present form and the likely consequences in case such operating grants were discontinued has been requested, but not yet obtained. This said, the dependence of at least the EJTN is clear; EJTN receives 96.5% of their budget from the Justice programme.

### 4.2.2.3 Applications for funding and project documentation

Another source of costs are those associated with **applications for funding and project documentation**. As concerns the tasks associated with these applications, the national public institutions provide information to training providers on funding opportunities as well as assistance. Training providers at EU and national levels gather information about potential funding opportunities and prepare applications. Only very scattered data are available from individual stakeholders concerning the costs they incur in relation to these tasks and do not allow for aggregation at the EU level. This said, some opinion-based evidence is available from stakeholder consultations, as summarised below.

When training providers want to make use of EU funding, they incur costs relating to the planning and administration of their funding application. In particular, these costs relate to staff's working time for the preparation of submissions (taking the decision on the financial programme to use<sup>224</sup>, drafting the applications and quality control) as well as reporting on the implementation of projects.

While only limited information is available concerning the actual costs incurred by training providers in this context, evidence points to room for simplification. Stakeholders from Austria, Estonia, Finland, Greece, and France consulted as part of this study indicated that the relevant procedures are overly bureaucratic and complex, in some cases actually causing organisations to decide against applying for funding. This was also confirmed in the mid-term evaluation of the LIFE+ Regulation Report<sup>225</sup>.

### 4.2.2.4 Overview of the costs associated with the implementation of the Strategy

To conclude, the following information was obtained on the costs of implementing the Strategy.

*Table 18: Costs of implementing the Strategy (in thousands of EUR)*

Type of costs	Annual costs							Overall costs (2011-2017)
	2011	2012	2013	2014	2015	2016	2017	
<b>COSTS DIRECTLY ASSOCIATED WITH THE IMPLEMENTATION OF THE STRATEGY</b>								
<b>EU level staff costs and expenses for governing the implementation of the Strategy</b>								
No. of staff at DG JUST, Unit B1, Criminal Justice and Judicial Training	2 FTE	2 FTE	2 FTE	2 FTE	2 FTEs + 30% of 1 FTE	2 FTEs + 30% of 1 FTE	3 FTEs + one trainee occasionally	
Staff costs <sup>226</sup>	174	174	174	174	212	212	378	<b>1 498</b>

<sup>223</sup> Data have been requested from these organisations. Any further data received will be taken into account in the final report.

<sup>224</sup> This includes gathering information on different opportunities and analysing the award criteria / requirements, as well as compliance with eligibility criteria.

<sup>225</sup> Accessible at: <http://webapi.eesc.europa.eu/documentsanonymous/EEESC-2016-03894-00-01-AC-TRA-en.docx>

<sup>226</sup> The costs of one FTE has been estimated at €126 000 per annum.

Organisation of annual conferences (DG JUST)			65	117	65	83	85	415
Expert Group on European Judicial Training (seven meetings in total)	15	15			30			60
Management of the relevant sections of the eJustice Portal	<i>The annual budget made available for the e-Justice Portal ranged from € 0.3 to 2.3 million in the years 2011-2017. However, the content relating to judicial training represents only a very small part of the e-Justice Portal. It is considered as an insignificant amount by the e-Justice team.</i>							
Total costs EU level staff & expenses	135	135	185	137	236	224	301	<b>1 973</b>
<b>Implementation and coordination of the Strategy at the national level</b>								
Implementation and coordination of the Strategy at the national level	<i>According to interview-based evidence, three Member States (Belgium, France and Germany) have implemented activities that have resulted in a cost for the Member State concerned. In all cases, the costs were deemed to be negligible.</i>							n/a
<b>Monitoring and reporting</b>								
Costs associated with the monitoring and reporting by different stakeholders	<ul style="list-style-type: none"> <li><i>The costs related to the Commission's tasks are covered under EU level staff costs above.</i></li> <li><i>Other stakeholders were not able to provide any quantitative estimates. Based on qualitative descriptions, the costs seem to be small.</i></li> </ul>							
<b>FUNDING OF TRAINING ACTIVITIES</b>								
EU funding programmes	14 464	15 205	23 739	22 831	25 702	28 869	27 307	<b>158 121</b>
National funding programmes	<i>Information was requested but not obtained as part of the stakeholder consultations conducted as part of the present assignment.</i>							
Funding received by EU level training providers from the Member States <sup>227</sup>	<i>The available information is incomplete and does not allow for aggregation.</i>							
Applications for funding and project documentation	<i>Only very scattered data are available from individual stakeholders concerning the costs they incur in relation to these tasks and do not allow for aggregation at the EU level.</i>							
<b>Grand total</b>								<b>160 094</b>

Source: Deloitte

Whilst the data obtained concerning the costs associated with the implementation of the Strategy are incomplete, based on the available data, the following estimates can be made based on available data:

- **Costs directly associated with the implementation of the Strategy: € 1 973 000;**
- **Funding of training activities and applications for funding: € 158 121 000.**

Whilst the aggregated costs are in the order of € 160 million, this figure underestimates the costs associated with the implementation of the Strategy due to the lack of data as noted in the above table. We therefore do not recommend using this figure to show the overall costs of the Strategy.

Clearly, the largest portion of the costs associated with the Strategy relates to the budget made available for EU funding programmes. While some of these costs were incurred also before the adoption of the Strategy, the Strategy has called for an increase of funds and budgets have indeed risen since then, as also demonstrated above.

<sup>227</sup> EU level funding is covered above and not included here to avoid double-counting.

Quantitative data concerning the management of the e-Justice Portal, implementation and coordination of the Strategy at the national level, monitoring and reporting, and applications for funding and project documentation not accessible. It has therefore not been possible to aggregate these costs. Hence, **the total costs are thus higher than the figures given above.**

### 4.2.3 The efficiency of the implementation of the Strategy

As part of the assessment of the efficiency of the implementation, we have examined the following:

- The proportionality of the costs and benefits of the Strategy;
- Whether the level of funding allocated to training is appropriate in view of the needs of legal practitioners;
- The proportionality of the costs and benefits distributed among different stakeholder groups (including their tasks related to monitoring and reporting);
- Factors that have impacted on the level of efficiency.

Recommendations for future actions based on the conclusions of the efficiency of the Strategy are included in the dedicated section on recommendations.

#### 4.2.3.1 The proportionality of the costs and benefits of the Strategy overall

In this section, we examine the proportionality of the costs and benefits of the Strategy (“the value for money”) by considering the costs in relation to the main benefits in terms of the activities and outputs delivered, as well as the effects of these.

At the core of the Strategy is the increased training of legal practitioners. In order to examine the efficiency in providing training to the relevant target groups, the number of training activities delivered, their reach in terms of number of participants and costs per training day (the “cost-to-serve” ratio) should be assessed.

In order to structure this analysis, the following indicators concerning the benefits were used:

- Activities and outputs delivered:
  - Number of training activities;
  - Number of legal practitioners trained in judicial training activities;
  - Number of legal practitioners participating in exchange programmes;
  - Length of training activities.
- Effects achieved:
  - Quality of training and improved know-how;
  - Increased mutual trust;
  - Quality of cross-border proceedings for citizens and businesses.

As depicted in further detail below, **key benefits achieved** include an increased number of training activities (including notably cross-border training activities and exchanges), training of around 830 000 legal practitioners across the EU, more wide-spread use of eLearning, increased recognition of training activities in other EU Member States, and an improvement of the capacity of training providers. Furthermore, there has been an increase in networking activities among training providers thanks to the conferences held. Moreover, due to a dedicated pilot project and the 2015 annual conference, an interest in training of court staff and of their specific training needs was created. The multiplier effect of the action grants to CNUE has also been instrumental for the implementation of the Strategy.

All these aspects have contributed to increasing the quality of judicial training in the EU, enhancing legal practitioners’ knowledge of EU law and in turn improved the quality of judicial proceedings. The Strategy has also had a positive influence in terms of increasing mutual trust.

As concerns the trigger of these benefits, it can be noted that the “outwards-facing” activities of the Commission, such as annual conferences, networking events and share of materials on the e-Justice Portal are generally appreciated by stakeholders, but are not as well-known or perceived to have such a high impact as the funding of training activities as such. This said, without these activities, the available funding would not be as high, and the governance and coordination work of the Commission has been instrumental for achieving the benefits linked to the Strategy.

Annual data shows an increasing growth in **the number of training activities and beneficiaries of training activities across all target groups**.

Starting with the **number of judicial training activities, there has been a clear overall increase** since the adoption of the Strategy:

- Although no data on the number of **initial training** activities were collected after 2011, it can be assumed that the number activities increased over the years based on the positive evolution of legal practitioners trained. The Strategy has thus to some extent succeeded in ensuing that training on **EU law is integrated into initial training**.
- The number of **continuous training activities** has grown steadily since 2011, from just over 1500 in 2011 to just over 3 500 in 2016<sup>228229</sup>.
- The number of **cross-border exchanges** also increased vastly since 2011. As indicated in previous sections, the EJTN’s exchange programme<sup>230</sup> is noteworthy here due to its success in numbers, but also popularity among the stakeholders consulted. Most Member States participate in the exchange programmes organised by the EJTN<sup>231</sup>. The highest number of exchanges were short-term exchanges, followed by the AIAKOS Programme and study visits. All of these exchanges have seen an increase since 2011.
- Whilst no hard data are available, the use of **e-learning** is growing according to the stakeholder consultations conducted. E-learning is more prevalent in continuous training than initial training. The contribution of the Strategy to these developments in e-learning is not clear-cut. Most interviewed stakeholders do not exclusively attribute the development of e-learning to the activities of the Commission. Around two thirds of the respondents to the TC indicated that the Strategy has succeeded to some extent in promoting the development of e-learning. The availability of and access to e-learning on the e-Justice Portal could, however, be improved.

Turning to the **number of legal practitioners trained**, the Strategy is succeeding in meeting its objective of **training half (i.e. 700 000) of all legal practitioners in the EU**, as 830 000 legal practitioners have already been trained. Over the seven years covered by this report, all legal practitioners, with the exception of court staff, reached the annual 5% target of trained practitioners per profession, which is required in order to reach the objective of training 50% of the legal practitioners over 10 years. Judges and prosecutors received more training than other legal practitioners, which is in line with the Strategy’s priority regarding these professions as well as the training needs of these target groups. In this regard, it should be noted that data suggests that some professionals may have taken part in several training activities on EU law over the 7-year period of the Strategy (i.e. 2011-2016).

Private practice lawyers, solicitors and barristers constitute the largest groups of net participants in training activities in absolute numbers, followed by judges. This said, when taking into account the proportion trained within each target group, the most trained legal practitioners are the judges and the prosecutors, reflecting their role as the primary target of the Strategy due to their training needs.

It is important to note that although the number of legal professionals in the EU has grown, the speed of growth has not surpassed the growth of beneficiaries of training.

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<sup>228</sup> However, it should be noted that the annual survey has received a different number of Member State responses each year, with 2011 having the lowest response rate.

<sup>229</sup> Annual monitoring data for development of the reports on judicial training.

<sup>230</sup> The EJTN organises exchanges in the form of short-term exchanges, long-term exchanges and study visits for experienced judges and prosecutors, and exchanges under the AIAKOS programme for the future and newly appointed European judiciary.

<sup>231</sup> Data concerning the planned and actual budget attributed by the EJTN for the exchange programmes has been requested from the EJTN, but not yet received.

As concerns the costs of these activities, as noted above, the training activities are delivered by training providers that obtain funding to deliver their activities (and thus act as “intermediaries”). Sometimes fees are charged to participants.

It is not in the scope of the present assignment to assess the efficiency of the specific training activities that were delivered under each of the relevant EU funding programmes. The available interim evaluations of the programmes that support the implementation of the Strategy have therefore been collected and reviewed to obtain this type of information at a programme level. Reports were identified for six programmes, namely the Justice Programme<sup>232</sup>, the REC Programme<sup>233</sup>, the Erasmus+ Programme<sup>234</sup>, the Hercule III Programme<sup>235</sup>, the LIFE Programme<sup>236</sup> and the IPA I+II Programme<sup>237</sup>. Officials from DG JUST were also consulted.

As concerns the Justice Programme, detailed information is e.g. available concerning the funding provided to the EJTN and the outputs of their activities, including the number of participants reached, the number of training days provided and the number of persons served per staff. The available information is provided in the following table.

*Table 19: EJTN inputs and outputs from 2011 to 2017*

Inputs and Outputs	Criminal justice programme				Justice Programme		
	2011	2012	2013	2014	2015	2016	2017
<b>Inputs</b>							
EJTN's grant (in million EUR)	5.5	6.1	6.5	7.3	7.88	8.8	9.5
Co-funding rate	93.9%	94.5%	95%	95%	95%	95.7%	96%
<b>Outputs</b>							
Number of participants (Catalogue included)	2 671	3 336	3 882	4 256	5 032	5 769	6 317
Number of participants (Catalogue excluded)	1 592	2 413	2 756	3 177	3 625	4 342	5 174
Number of training days	10 686	15 702	17 180	21 618	24 726	27 312	30 612
Number of staff members	15	15	16	17,5	18	20	20
Number of persons served per staff (catalogue excluded)	106	161	175	181	215		
Number of persons served per staff (catalogue included)	223	257	243	243	280	278	300
Cost per training day (catalogue excluded)	€436	€379	€357	332€	330€	318€	313€
Implementation level	73.4%	83.1%	89.25%	93.5%	98.4%	95%	96,97%
Seminars Growth				52	67	76	82
Exchanges Growth	928	1 222	1 280	1 622	1 815	2 217	2 584

Source: The European Commission, DG JUST.

Based on these data, it is possible to draw the conclusion that **whilst the budget increased with 73% from 2011 to 2017, the number of participants increased even more (+137%) and the cost to serve ratio decreased (-28%), clearly pointing to increased efficiency in**

<sup>232</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599281/EPRS\\_BRI\(2017\)599281\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599281/EPRS_BRI(2017)599281_EN.pdf)

<sup>233</sup> [http://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2018/0508/COM\\_COM\(2018\)0508\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2018/0508/COM_COM(2018)0508_EN.pdf)

<sup>234</sup> <https://ec.europa.eu/assets/eac/erasmus-plus/eval/icf-volume3-jean-monnet.pdf>

<sup>235</sup> [https://ec.europa.eu/anti-fraud/sites/antifraud/files/herculeiii\\_midterm\\_evaluation\\_en.pdf](https://ec.europa.eu/anti-fraud/sites/antifraud/files/herculeiii_midterm_evaluation_en.pdf)

<sup>236</sup> [http://ec.europa.eu/environment/life/news/newsarchive2017/documents/swd\\_mid\\_term\\_evaluation2017\\_.pdf](http://ec.europa.eu/environment/life/news/newsarchive2017/documents/swd_mid_term_evaluation2017_.pdf)

<sup>237</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa\\_ii\\_eval\\_-\\_final\\_report\\_-\\_volume\\_1\\_-\\_june\\_2017.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/ipa_ii_eval_-_final_report_-_volume_1_-_june_2017.pdf)

**delivering the training.** Furthermore, interestingly the number of training days per person increased with 20%, from 4 days per person in 2011 to close to 5 days per person in 2017, and the number of persons trained per staff by 35%. The high execution rate can also be noted; the implementation level increased from around 75% in 2011 to remarkable 95% in 2017.

*Table 20: Development of costs in relation to ETJN activities from 2011 to 2017*

Year	2011	2017	Change (%)
EC grant (million €)	5.5	9.5	+ 73%
Participants	2,671	6,317	+ 137%
Number of training days	10,686	30,612	+ 186%
Number of persons served per staff	223	300	+ 35%
Number of training days per person	4.0	4.8	+ 20%
Cost per training day ("cost-to-serve ratio")	436	313	- 28%
Exchanges	928	2,584	+ 178%

Source: European Commission, DG JUST.

The number of exchanges was increased in line with the increase in budget. Based on the interviews, there can be issues relating to the coverage of the salary of participants of long-term exchanges, though they are the minority of exchanges organised by the EJTJN (see the following text box).

#### **Costs for exchanges: lost work**

In Germany, stakeholders stated that lost working time represents an important cost and constitutes an obstacle for participants. For short-term exchanges, it is feasible for employers to manage, but in the case of long-term exchanges, lost working time can result in significant costs. The employer is paying the salary of the legal practitioners even though they do not work during that time. Therefore, judges and prosecutors from financially weaker federal states might not be able to participate in such exchanges.

According to the interim evaluation of the Justice Programme that focused on the activities delivered since 2014<sup>238</sup>, the beneficiaries of the programme had a positive impression of its efficiency. Notably, according to the report, this was stated to be true for the Programme as a whole, and in particular for the specific objective on judicial training. Furthermore, according to the interim evaluation, a key achievement of the programme was that the burden on beneficiaries in terms of time and financial resources had been reduced. This said, room for simplification was identified. The funding instruments (action grants, operating grants and procurement activities) were also considered adequate, but the efficiency of their implementation should continue to be improved. This was particularly the case with regard to the procurement actions.

The ex post evaluation of the five programmes implemented under the 2007-2013 financial perspective (Specific programme evaluation: Civil Justice (JCIV)),<sup>239</sup> thus covering the time-period 2011-2013, also came to the conclusion that the training activities were cost-efficient. However, no quantitative estimates were provided, only opinion-based evidence referring to the views of some individual stakeholders.

Turning to the Hercule III Programme, the following summary table provides relevant information from the 2017 mid-term evaluation of the programme.

*Table 21: Key quantitative findings related to legal training under the Hercule III Programme (2014 and 2016)*

<sup>238</sup> COM/2018/507 final: Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the interim evaluation of the implementation of the Justice Programme 2014-2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0507&from=EN>

<sup>239</sup> [http://ec.europa.eu/justice/grants1/files/expost\\_evaluations\\_2007\\_2013/daphne\\_programme\\_evaluation\\_final\\_report.pdf](http://ec.europa.eu/justice/grants1/files/expost_evaluations_2007_2013/daphne_programme_evaluation_final_report.pdf)

Year	2014	2016	Change (%)
Grants provided for legal training and studies (€)	496 000 €	493 000 €	+ 186%
Number of legal training and studies funded	8	10	+ 137%
Average cost per participant in legal training (€)	694 € (year not specified)		n/a

Source: Mid-term evaluation of the Hercule III Programme.

The evaluation concluded that the average costs per participant in events covering the areas of “anti-fraud training” (AFT) and “legal training and studies” (LTS) were broadly aligned with costs registered in other EU-funded programmes.

For illustrative purposes, the following table presents some examples of costs per participant, as well as costs per participant and training day (where available) from other sources. In this regard, it can be highlighted that these project examples *only serve to illustrate potential costs related to different types of projects*. It is not possible to compare the costs per participant based on the overall budget, as some of the projects involved additional activities on top of merely providing training, e.g. building networks or drafting guidance books.

Table 22: Cost of training per participant

Year	Type of project	Overall budget	Planned number of participants	Cost per participant based on the overall budget <sup>240</sup>	Costs per participant and training day <sup>241</sup>	Comments by evaluators
2017	21 seminars on matrimonial property regimes, carried out by 15 co-beneficiaries.	767 000 €	1 550	495 €		Very good assessment.
2017	Training for probation officers, one of the first projects in this field and combined with an attempt to set up a network in this area.	206 450 €	50	4 129 €		Assessed to be cost-efficient <sup>242</sup> .
2017	4 seminars on the competencies of an EU body.	201 190 €	144	1 397 €	845 €	The ratio per participant / day is assessed to be very high.
2014	Seminars targeted at lawyers to strengthen their capacities in practical aspects of EU litigation, namely, proceedings before the Court of Justice.	143 614 €	133	1 080 €	144 €	The budget is regarded as reasonable.

Source: Deloitte based on funding data provided by the Commission

Turning to the **length of the training delivered**, as identified in the section on the current situation above, the following overview shows the development of the length of continuous training by year.

<sup>240</sup> Overall budget divided by planned number of participants.

<sup>241</sup> Based on project assessors’ descriptions.

<sup>242</sup> The cost per participant is not representative, as the establishment of the network of training providers is an important part of the activity.



*Table 23: Participation of legal practitioners in continuous training activities, by duration (2011-2016)*

Length of training	2011	2012	2013	2014	2015	2016
< 6 hours	N/D	318 (17%)	669 (27%)	681 (26%)	770 (27%)	717 (20%)
1 day	N/D	601 (32%)	675 (28%)	810 (30%)	822 (30%)	987 (27%)
2 days	N/D	435 (24%)	518 (21%)	539 (20%)	520 (19%)	685 (19%)
3 days	N/D	203 (11%)	212 (9%)	305 (11%)	286 (10%)	769 (21%)
4-5 days	N/D	177 (9%)	126 (5%)	191 (7%)	250 (9%)	279 (8%)
> 5 days	N/D	126 (7%)	227 (10%)	147 (6%)	136 (5%)	177 (5%)
<b>Total</b>	<b>N/D</b>	<b>1 877 (100%)</b>	<b>2 438 (100%)</b>	<b>2 673 (100%)</b>	<b>2 784 (100%)</b>	<b>3 614 (100%)</b>

Source: Deloitte based on European Commission's data

As depicted in the table, close to one third of all continuous training activities delivered in the relevant time-period was one day. It should, however, be noted, that the percentage of one-day training decreased: from 32% in 2011 to 27% in 2016. Training lasting three days increased from 11% in 2011 to just over 20% in 2016. Nevertheless, the proportion of three days training remained at around 10% between 2011 and 2015, thus the 2016 figures is an outlier and the 2017 figures would be needed to confirm the trend. Around 5% of the training delivered lasted more than five days (decreasing from 10%).

In this regard, based on our learning expertise, we are aware that there is no direct correlation between the length of the training and the quality of the training results; shorter training does thus not imply lower quality than longer training.

Whilst the data on costs for training legal practitioners suggest an increase in the level of efficiency over time based on information for the EJTN, the potential of re-using training material seems to have been inadequately explored. While this topic is further discussed in the section on sustainability, due to its potential to save costs, the following main conclusions should be noted<sup>243</sup>:

- The training section of the **e-Justice Portal** does not seem to be perceived as particularly useful by stakeholders in helping them to learn about EU law or for providing relevant training materials for training providers. Reasons include a lack of confidence regarding the learning materials being up-to-date, concerns with regard to the quality of the data provided, as well as a perceived complexity and lack of clarity. The limited number of stakeholders that confirmed that they do use the materials mainly use them for inspiration on topics in order to build their own training activities.
- Many interviewees stated that they instead use the materials from the **EJTN**, which they assess to be of high quality, or materials from other EU schools, or other stakeholders. (e.g. the handbook on Train-The-Trainer of EJTN, methodologies of EJTN on linguistic training, training material from the HELP programme, booklets on regulations from CNUE, curia.europa.eu, successions-europe.eu, EUR-Lex). Other stakeholders also mentioned using the European Judicial Atlas.
- Some training providers estimated that they **create up to 80% of their materials themselves**, sometimes in cooperation with ERA or EIPA or speakers they invite and even share their documents and best practices with partner countries.

<sup>243</sup> See the section on Sustainability for the evidence for these statements.

Based on this, we can conclude that the full potential for re-using material was not achieved during the time-period considered.

It can also be noted that based on an assessment of the available **e-learning courses** by the study team, some opportunities to enhance its content were identified. The section on Sustainability (section 4.5 'Sustainability') provides more details on the quality assessment of the e-learning modules. Based on this assessment, it can be concluded that the e-learning has not yet reached its full potential as a flexible training tool, and it is thus not reaching yet many end-users as initially foreseen by the Strategy.

Finally, the growing importance of online training is relevant to highlight, as online training tends to be less expensive than face-to-face training activities, due to that content can be standardised and re-used by a potentially high number of participants that will outnumber the initially higher development costs. In addition, there may be less involvement from a trainer (depending on the format) and costs can be saved in relation to travel and accommodation of trainers and participants. This leads overall to increased cost-effectiveness, as illustrated by the following example.

#### ***Distance learning portal in Bulgaria***

Since 2009, the Bulgarian National Institute of Justice has been providing webinars through its Distance Learning Portal and Discussion Forum. The portal includes different distance learning courses, which usually last three to four months. The courses involve interaction between the participants and trainers and usually contain reading materials, presentations, case studies and short video clips. In addition, the participants have to submit assignments and do tests given by the trainers.

Once the Distance Learning Portal had been established, **costs were estimated to be three to four times lower than face-to-face training**. The costs for developing its content was indicated to be comparable to preparing face-to-face training sessions. Costs for IT involve mostly staff costs, as the offer is based on open source free software. The portal is administered by two FTEs in charge of the adaptation, providing regular software upgrades and maintaining the whole system.

Compared to face-to-face training sessions, cost savings are mainly due to that no transportation and accommodation of participants and trainers are needed. Another benefit is that participants can manage their time better<sup>244</sup>.

Similar conclusions concerning the cost-effectiveness of online versus face-to-face training can be drawn at a more general level and are not limited to the above example of Bulgaria.

Ultimately, the Strategy aims at **strengthening the quality of judicial proceedings** in the EU as a whole, by ensuring that justice professionals have sufficient levels of knowledge on EU legal instruments. It is relevant to consider the achievement of this objective in addition to the conclusions concerning the efficiency in reaching a higher number of legal professionals per day and overall, since merely "reaching more" is not an adequate indicator to be able to determine whether the costs to achieve the benefits were appropriate. Indeed, it is also necessary to consider the quality factor by examining whether the knowledge of those trained was improved.

Based on interviews carried out with national stakeholders, the level of knowledge of EU law among legal practitioners increased to some extent in all Member States. In some cases the increase was regarded as substantial<sup>245</sup>. The main factors having a positive impact on this aspect included – in addition to the Strategy – the increasing integration of the EU Member States, cross-border transactions, travel and migration, as well as participation in cross-border training activities. At the EU level, the Strategy is well recognised for providing a political impetus to training on EU law. As noted above, nationally, some Member States (e.g. Belgium, France,

<sup>244</sup> Commission 2014, Study on Best Practices in training of judges and prosecutors, pp. 68-69.

<sup>245</sup> Importantly, there are no concrete data points that monitor the quality of projects funded by the various programmes. Indeed, although the quality of funded projects is assessed at both proposal and final delivery stage, data collection on the quality of all projects as a whole is not conducted. Hence, the judgement is based on anecdotal evidence from stakeholder consultations.

Slovenia, Spain) introduced specific measures to respond to the Strategy and further strengthen the EU dimension in its training activities.

Besides positive factors contributing to increased knowledge, there are still a number of **barriers** to achieving this objective. Two main challenges were raised in stakeholder consultations. In the public consultation a lack of understanding of the relevance of learning about EU law was noted, and in the interviews conducted it was pointed out that the time invested in training was considered to be a loss. Moreover, according to stakeholders, the quality of funded training is also negatively impacted by language and lack of coordination between similar projects.

Nevertheless, as indicated above, the Strategy has supported a common understanding and interpretation of the EU instruments, facilitating a uniform implementation of the EU *acquis* across the Member States. As a result, business and citizens have a higher certainty that EU law will be applied consistently regardless of the Member State. Hence, this supports the conclusion that the Strategy was implemented in a relatively efficient manner. The same is relevant when looking at the costs in relation to the achievement of the objectives of increasing mutual trust and recognition of training activities in other Member States: the improvements that can be evidenced suggest that the costs are justified. The limitations in available data and the chain of causal links from the Strategy through the organisation of training activities by intermediaries, to the reach of beneficiaries and ultimately any impacts in terms of improved knowledge and implementation of this improved knowledge should, however, be taken into account in relation to this conclusion.

The main factor linked to the Strategy that contributed to an **increased level of mutual trust** was the networking aspect and sharing of experience and best practice. This was directly supported by the exchanges that take place through the EJTN or individual funding programmes. In the OPC, 74.8% of the respondents found that cross-border exchanges were useful for their profession. A further 35.4% indicated that cross-border exchanges should be made compulsory for all new judges and prosecutors, and an additional 27.5% agreed to make it compulsory if some conditions were met.

The objective of ensuring that **training activities are recognised in other Member States** was also been achieved to a large extent for judges and prosecutors. For the rest of legal practitioners (i.e. lawyers, notaries, and bailiffs) there are still some caveats, and the automatic recognition does not still take place, and thus depend on the Member States concerned. There are, however, promising ongoing efforts in this sense.

To conclude, while it is beyond the scope of this evaluation to examine the results of individual funding programmes, the available evidence suggests that due to the Strategy, an increased number and proportion of legal practitioners were reached at a lower cost in 2017 compared to 2011. The increase in the number of practitioners trained is higher than the increase in available funding. At the same time, the quality of judicial proceedings was strengthened, an increased level of mutual trust seen, and an increased number of training activities were recognised in other Member States. This suggests that the increase was not only quantitative, but the quality aspect was maintained.

Limiting factors include that the potential of re-using material and e-learning were not fully explored. At the same time, it can be noted that face-to-face training is instrumental for achieving the objective of mutual trust, which needs to be taken into account when opting for e-learning as training modus.

#### 4.2.3.2 The appropriateness of funding allocated to training in view of the needs of legal practitioners

Overall, the available funding is considered to constitute important means for supporting the achievement of the objectives of the Strategy. However, when asked whether the funds are sufficient, close to three out of four (72.4%) of the TC respondents who had an opinion on this issue indicated that **the available funding were not sufficient**. According to the respondents, while the current scope of the training provided is very broad, at the same time, certain potential beneficiaries are not sufficiently covered by the Strategy (e.g. prison and probation staff).

In this regard, it is noteworthy to mention that the scope of the Strategy has evolved and in 2017 included additional legal professions compared to in 2011, such as court staff and prison and probation officers. Some effort has been done in order to cover their needs. As explained in section 4.6.2.4 ('Target groups covered'), the Commission has organised several activities to address court staff needs. For example, a pilot project was conducted in order to identify their training needs, and an annual conference specifically covering this profession was held in 2015. Nevertheless, further efforts are needed. Court staff expressed the need to be represented in a EU level network, while additional training activities need to be proposed in order to accommodate their needs (particularly for the court staff in those Member States where they are mandated with quasi-judicial tasks). As for prison and probation officers, the terrorist attacks in Europe have triggered the awareness to train these professionals. As a result, the Justice Programme issued two calls to combat the radicalisation of inmates in prison. However, additional resources could be allocated to address their needs.

This point requires further attention in the future.

The respondents also stated that the different working languages of the EU Member States constitute a challenge to attending cross-border training, especially in those cases where legal practitioners are not able to work / receive training in English or French, which are the languages in which most of the training is delivered. However, it can be questioned whether the cause of this challenge is the level of funding; the link to the available funding is not clear-cut. While more funding could potentially lead to training being delivered in a higher number of languages and / or increased availability of interpretation at the training delivered, this is also an issue that could potentially be linked to the applications for funding submitted (and selected) in terms of the proposed language of the training. However, we note that the training activities delivered at EU level aim to complement the national training curricula (and not replace them). Therefore, the EU level training activities are not required to be delivered in all EU official languages.

### 4.2.3.3 Proportionality of the costs and benefits distributed among different stakeholder groups

The **costs of the implementation of the Strategy by different stakeholder groups** were overall **proportionate in view of the benefits**, with some limitations.

The costs incurred in relation to staff costs and expenses by **the Commission, and notably DG JUST**, were adequate in relation to the workload for the established governance-related tasks<sup>246</sup>; the Commission has carried out the established tasks in an efficient manner. This said, in order to be able to govern the Strategy more effectively, further tasks could be added to the existing portfolio – in turn requiring additional human and financial resources. The objective of these tasks would be to be able to closer follow up on the co-funded projects during their implementation, to carry out missions in the Member States and to be able to see the projects first-hand.

The **Member States** only incurred very limited costs as a direct consequence of the Strategy and its implementation. Due to the non-binding nature of the Strategy, the Member States are not required to take any specific action as a consequence of the Strategy itself. As to the actions taken by the Member States on a voluntary basis, one fifth of the respondents to the relevant question of the TC stated that the Strategy creates the basis for long-term planning by individual Member States in this area. The stakeholders interviewed confirmed this. In some Member States, the stakeholders indicated that the Strategy fed into the development of their national priorities in the area of judicial training (Belgium, France and Germany). No significant costs were reported by the interviewees in this regard. Other Member States did not, however, as a result, take any relevant measures (e.g. in the UK and Ireland). The Member States do incur some costs related to the implementation of the funding programmes covered by the Strategy. The exact extent of these costs is not known, but is not likely to be disproportionate (Member States indicated them to be

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<sup>246</sup> To recall, these tasks involved the Commission's activities relating to the organisation of the annual conference on judicial training, the Inter-Service Group, the Expert Group on European Judicial Training the relationships with the stakeholders as well as the management of the allocation of funding from the different programmes. It also involved monitoring and reporting on the Strategy and the participation in conferences.

low). The benefits for the Member States in terms of increased training of legal practitioners and improved quality of legal proceedings are overall proportionately much larger than the costs incurred.

The **training providers** should be viewed as “intermediaries”, in that they receive funding and then use it to provide training. Indeed, they either cover their costs / expenses related to the training delivered by applying for funding (distinction should notably be made between operating and action grants) or collecting fees from the participants. In interviews conducted as part of the present assignment, stakeholders from Austria and Estonia indicated that members of their associations had to pay for their training. If not reimbursed, the fees as well as costs for travel and accommodation are usually paid for by the employers or self-employed legal practitioners.

It is clear that training providers benefitted from the Strategy and the increased financial resources available. As a result, they were able to extend and improve their training offer and share best practices with other training providers.

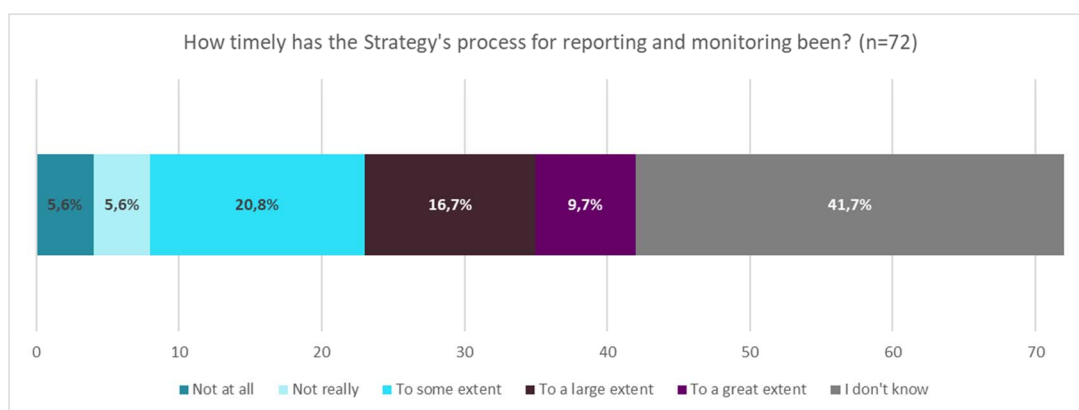
In relation to their access to funding, they incurred costs for the project applications, monitoring and reporting.

As concerns the project applications, ways to (further) simplify the project application processes could be considered, as some stakeholders indicated that they abstained from applying for funding due to this process.

While some training providers indicated that they find the workload related to monitoring and reporting too high, based on the available information the current requirements do not seem overly burdensome. Indeed, overall, the costs appear to be justified based on the importance of regularly monitoring and evaluating the results of the Strategy. In addition, some stakeholders reported that the quantitative targets in combination with the regular monitoring are indeed considered to be an important motivation for increasing training activities.

The process was also largely considered timely by the respondents of the TC. Almost half of TC respondents who had an opinion stated that the Strategy's process for reporting and monitoring had been timely to some extent, to a large extent and to a great extent (47.2%). However, the EJTN suggested that the yearly report be published only a few months after the expiry of the civil year with the most recent data.

*Figure 21: Timeliness of the process for reporting and monitoring the Strategy according to TC respondents*



Source: European Commission, visualisation by Deloitte.

Yet, there seems to be room for improvement in terms of the value for money. Several stakeholders pointed to the difficulties collecting some of the data, while some questioned the value. For example, interviewees and workshop participants regretted that only the quantitative targets are monitored, while qualitative aspects (e.g. the depth or the scope of the training) are not considered.

As noted above, the funding available to support the Strategy is overall proportionate for the current time-period, but would need to be extended to address the weaknesses identified in case of an updated Strategy.

To some extent, the Strategy may reduce the costs of carrying out training activities, for example, by providing a framework for exchange of materials that could be re-used. This is further discussed above.

The **employers of legal practitioners or self-employed legal practitioners** (including lawyers, bailiffs and notaries) in some cases bear costs in terms of participation fees, costs and time taken to travel and accommodation, but these costs may also be covered by public institutions or may be possible to deduct from taxes. While the legal practitioners participating in the training are not able to work during this time (resulting in lost working time for the employers or self-employed), the increased efficiency that can be expected as a consequence should generally outweigh these costs. This said, the loss of working time may to some degree explain the preference for shorter continuous training to cater for loss of working time.

Online training tends to be rather cost-efficient from the employers' or self-employed's perspective, since it does not require the participant to travel and is possible to plan in a more flexible manner. Of course, the training also needs to bring about good results in the participant's subsequent work. Information concerning to what extent the training indeed leads to the participants executing their tasks more efficiently is, however, not available. A drawback of online training is that it does not contribute to another objective of the Strategy, which is building mutual trust and requires cross-border face-to-face training activities.

In total **830 000 legal practitioners** benefitted from training on EU law from 2011 to 20178. Whether the legal practitioners bear the costs for the training themselves or not depend on whether they are self-employed or employed<sup>247</sup>. In line with the argument provided above, due to the increased efficiency as a consequence of the training, the benefits should generally outweigh the costs.

#### 4.2.3.4 Factors influencing the efficiency of the Strategy

The following three main **factors have influenced the efficiency of the Strategy**:

The **use of technology** has had a positive effect on the efficiency of the Strategy. The use of technologies has enabled the development of new training activities, such as e-learning. Although, due to a lack of quantitative data, it was not possible to quantify the number of e-learning available, there is a consensus in stakeholders' perception that e-learning has become more widespread in recent years. Based on the findings of our interviews, we are aware that training providers in Denmark, Czech Republic, Cyprus, and Ireland are using blended learning. Also, 67.7% of respondents to the targeted questionnaire indicated that the Strategy has succeeded to some extent in promoting the development of e-learning. e-learning has several benefits: it can be delivered to a higher number of legal practitioners at a relatively low cost when considering the objective of increasing the quality of judicial proceedings. Nevertheless, some training providers interviewed (e.g. France) explained that they faced difficulties to develop e-learning courses due to the high costs required. Besides, e-learning does not promote mutual trust to the same degree; face-to-face meeting are more suited for reaching this objective.

The objective of **building on the strengths of the existing networks** has also been achieved and has had a positive impact. As explained in the previous sections, the Commission has increased the funding support to EU level stakeholders, clearly strengthening their role and contribution in judicial training. This is particularly the case of EJTJN, but also for example for CNUE that has received two close-to-1-million-euro grants. The capacity of training providers has therefore successfully been enhanced and has led to increased sharing of best practices, which has had a positive effect on the efficiency of the Strategy.

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<sup>247</sup> Source: DG JUST.

The potential of **re-using available materials**, e.g. on the e-Justice Portal, has not been exploited to the full extent and there is scope for improvement in this regard. Nevertheless, national training providers indicated to be re-using training materials provided from their EU level network (e.g. EKTN, CCBE, CNUJ).

### 4.2.3.5 Conclusion

To conclude, the effects of the Strategy seem to have been achieved at a **relatively reasonable cost** based on opinion-based information. This general statement needs to be put into perspective, taking into account that the available data was patchy and that this finding cannot be confirmed through quantitative estimates.

The costs directly linked to the governance of the Strategy at the EU level were estimated at around € 2 million. In addition, around € 160 million allocated to training of legal professionals by EU funding programmes from 2011 to 2017. This increase in funding represents an effect of the Strategy, i.e. through the “redirection” of funding.

The **key benefits** produced by the increased resources for the implementation of the Strategy were:

- An increased number of training activities on EU law;
- Training of 830 000 legal practitioners across the EU;
- Wide-spread use of e-learning;
- Increased recognition of training activities in EU Member States.

Despite the noted data limitations, it is clear that the **inputs in the form of governance and funding have constituted an important asset supporting the provision of training by stakeholders**. Based on opinion-based evidence from the stakeholder consultations, the costs associated with the implementation of the Strategy can **overall be considered to be proportionate and justified** in view of the benefits achieved during the time-period covered by the present evaluation. One key EU level training provider also showed a clear increase in the efficiency in delivering training; whilst the funding obtained increased, the number of participants reached increased even more and the “cost-to-serve” ratio decreased.

The cost-benefit ratio seems to overall be **proportionate for all stakeholder groups**. As concerns the distribution of costs and benefits among the different stakeholder groups considered, it can be noted that some stakeholders are rather net bearers of costs (e.g. the Commission and public authorities), whilst legal practitioners that are employed are net beneficiaries. Some stakeholders are both bearers of costs and beneficiaries, including employers of legal practitioners and self-employed legal practitioners. Training providers have an intermediary role and whilst they receive funding, the financial support received is normally invested in their training offer (the possibility to make a profit is dependent on whether financial support is obtained via grants or tenders). Overall, distribution of costs and benefits among different stakeholder groups seems reasonable, although the situation for self-employed legal practitioners is not ideal.

Overall, the evaluation of the efficiency of the Strategy highlights **some clear improvements concerning judicial training on EU law achieved at a relatively reasonable cost**.

## 4.3 Coherence

The overall coherence of the Strategy should be assessed both internally and externally. For internal coherence, we analysed the consistency of its different provisions as well as how the various components of the Strategy operate together to achieve its objectives. To assess external coherence, we looked into how well the Strategy operates with other legal instruments (i.e. with other related EU interventions; national judicial training policies; as well as relevant external factors).

At present, EJTS is **to a great extent internally coherent**. As far as its **external coherence** is concerned, the Strategy fits well with other EU instruments relevant in the area of freedom, security and justice, and in particular in the field of judicial training, such as the Stockholm

Programme and its Implementation Action, the Monti Report, the Europe 2020 Strategy, and the EU citizenship report 2010. In addition, the coherence of the Strategy has also been assessed in comparison with other learning strategies (i.e. the 2012-2016 EU Strategy towards the Eradication of Trafficking in Human beings, the 2012 Dublin Strategy, and the 2013 Law Enforcement Training Scheme). Despite some main discrepancies, we found that the Strategy presents some similarities and is especially coherent with the Law Enforcement Training Scheme. Lastly, the EJTS is not only coherent with but also complementary to the national training policies, thus respecting the subsidiarity principle.

### 4.3.1 Internal coherence

Our assessment shows that the Strategy is internally coherent overall. There is one small inconsistency, however, slightly hampering EJTS's internal coherence. The Strategy targets all legal practitioners, "whether judges, prosecutors, court staff, lawyers or other legal professionals"<sup>248</sup>. However, on one particular occasion, EJTS only refers to lawyers: "every new lawyer should be aware of Union law from the outset"<sup>249</sup> without mentioning the rest of legal practitioners (or justifying such focus on lawyers). Although the term "lawyer" could be interpreted in the broad sense, i.e. any person who graduated law, its use could be misleading as one could understand only legal practitioners exercising as lawyers would need initial training on EU law.

In addition, no indication was found in the framework of our study on the lack of coherence between the provisions of the Strategy and the activities conducted to implement it. Four pilot projects were launched in 2013-2014 to identify on the one hand the training needs of judges and prosecutors, lawyers, and court staff, and on the other hand, how to promote the cooperation between judicial stakeholders concerned by European judicial training. Subsequently, several training activities were put in place to address the different training needs of the target groups (for more details see section 4.4.1 'Benefits from EU level action').

### 4.3.2 External coherence

This section presents the external coherence of the Strategy in relation to other relevant EU instruments, selected learning strategies, national training policies, as well as external factors influencing the progress of European judicial training.

#### 4.3.2.1 The Strategy's coherence with relevant EU instruments

The Strategy is coherent with other instruments adopted by the EU in the area of freedom, security and justice, and in particular in the field of judicial training. Prior to the publication of the Strategy, several legal documents were calling to step up training on EU law-related activities.

The 2009 **Stockholm Programme**<sup>250</sup> reaffirms the priority of developing an area of freedom, security and justice. It identifies training of and cooperation between public professionals as part of the political priority "A Europe of law and justice". Training is foreseen as a tool to successfully implement the Stockholm Programme. In particular, training on EU law would foster a genuine European judicial and law enforcement culture<sup>251</sup>.

The Commission followed up on the Stockholm Programme with its 2010 **Action Plan**<sup>252</sup>. Therein the EC highlights that mutual trust is essential to making real progress on the implementation of the Programme. In its annex, a Communication on an Action Plan on European training for all legal professions is mentioned as a concrete action of the Commission in 2011. The Strategy is directly based on these documents, and makes reference to them. In particular, it aligns its priorities and content with them: "The objective of the European Commission is to enable half of the legal

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<sup>248</sup> COM(2011) 551 final, p. 5.

<sup>249</sup> Ibid.

<sup>250</sup> COM(2009) 262 final.

<sup>251</sup> Ibid, p. 4.

<sup>252</sup> COM(2010) 171 final.



practitioners to participate in European judicial training activities by 2020 [...] in line with the objectives of the Stockholm Programme"<sup>253</sup>.

In the same line, the 2010 **Monti report**, "A new strategy for the Single Market"<sup>254</sup>, also invited the Commission, together with the Member States, to further support training programmes and structures to enable judges and the rest of legal practitioners to have a solid knowledge of the Single Market, ensuring a correct application of EU law, and thus, the effectiveness of the Single Market.

The Strategy also refers to the Europe 2020 Strategy (adopted in 2010)<sup>255</sup> and the EU citizenship report 2010<sup>256</sup>.

The **Europe 2020 Strategy** sets out the strategy for smart, sustainable and inclusive growth. It focuses in general terms on the "overall quality of all levels of education and training in the EU" under the flagship initiative: "Youth on the move"<sup>257</sup>. Particularly, it calls for efficient investment in training and for a coherent legal context at European level. EJTS is thus the Commission's reply to this call for a step change in the way European judicial training is organised at the EU.

The Commission also links EJTS to the **EU citizenship report 2010**. The report refers to the need to empower citizens and remove the obstacles preventing the full exercise of their rights. The report mentions judges and legal professionals in its conclusions stating that they should be aware of the citizens' rights so they can help them in the exercise and enforcement of those. EJTS aims to provide judges and legal professionals in general with a solid knowledge on EU law so they implement it correctly and ensure the protection of EU citizens' rights.

#### 4.3.2.2 The Strategy's coherence with selected learning strategies

The coherence between the EJTS and other learning strategies has also been assessed. For the purpose of this exercise, the following learning strategies have been taken into account:

- The **2012-2016 EU Strategy towards the Eradication of Trafficking in Human beings** (hereinafter the Anti-trafficking Strategy)<sup>258</sup>;
- The **2012 Dublin Strategy**<sup>259</sup>; and
- The **2013 Law Enforcement Training Scheme** (hereinafter the LETS).

Our study team carefully assessed potential similarities, discrepancies, overlaps and synergies between the 2011 European Judicial Training Strategy and the abovementioned learning strategies. In this exercise, we have taken into consideration the following key data points: periodicity, the strategies' objectives, their implementation mode and delivery plan, their governance, the target groups, the types of training activities, and the monitoring and evaluation arrangements. The following analysis is broken down according to each of the above data points.

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<sup>253</sup> COM(2011) 551 final, p. 2.

<sup>254</sup> M. Monti, A new strategy for the Single Market, 9 May 2010.

<sup>255</sup> COM(2010) 2020 final.

<sup>256</sup> COM(2010) 603 final.

<sup>257</sup> COM(2010) 2020 final, p. 11.

<sup>258</sup> Without taking into account the Commission Communication "Reporting on the follow up to the EU Strategy towards the eradication of trafficking in human beings and identifying further concrete actions" (COM(2017)728, "2017 Commission Communication"), because of the adoption date (4 December 2017), which otherwise also deals with training of professionals and refers expressly to EJTN.

<sup>259</sup> Regulation (EU) No 1294/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1294&from=EN>. It must be noted that the Dublin Strategy is formally no longer running. In light of the success of this Strategy, in 2017 the Commission launched the EU Learning and Development Action Plan for Customs and Taxation 2017-2020, which builds on the experienced of the Dublin Strategy. In the following subsections we will however refer to the Dublin Strategy to assess coherence with the EJTS.

## Objectives

As for the **objectives** of the reviewed strategies, they overall look consistent and complementary with those of the EJTS. That does not imply that they are always of the same nature or are set in the same fashion as in the EJTS.

The aim of the **Anti-trafficking Strategy** is to provide concrete measures to support the transposition and implementation of Directive 2011/36/EU<sup>260</sup>. The objective of the Anti-trafficking Strategy is to provide a coherent framework for existing and planned initiatives, to set priorities, to fill gaps and therefore complement this Directive. In a similar vein, the EJTS acts as an overarching framework for setting common goals and supporting the activities of European and national stakeholders. Moreover, similarly to the EJTS, the Anti-trafficking Strategy established its priorities after a thorough examination of measures and policies already in place, the work of the Group of Experts, extensive consultation with governments, civil society, social partners, scholars, international organisations, national rapporteurs or equivalent mechanisms and other stakeholders.

The Commission adopted the so-called **Dublin Strategy** of 2012 on "A Strategic Performance Framework for the Customs Profession 2012-2015 through training and development"<sup>261</sup>, providing the basis for the human competency building activities funded under the Customs 2020 programme. Even though the competence pertaining to training of law enforcement personnel rests on the Member States, the European Commission was entitled to set harmonised objectives for the Dublin Strategy in light of the fact that the customs union falls within the EU exclusive competences<sup>262</sup>, and thus it was justified to require the same level of skills across the EU. This is a feature unique to the Dublin Strategy compared to the remaining three.

The objectives of the Dublin Strategy and those of the EJTS share only some features. The Dublin Strategy puts in place a new common strategic performance framework for training that aims to:

- Harmonise Training and Development: to set a common framework in order to establish and deliver harmonised high standards across the union;
- Pool capacity: to pool the capacities of all stakeholders involved in customs matters; and to encourage, support and structure the sharing of training and development capabilities across the EU;
- Focus on the Future: to put in place a European training and development framework focusing on current and future needs of the workforce.

These objectives are of a different nature in comparison to the ones for EJTS as no quantitative target is set there. However, both strategies aim to improve the training standards, promote the sharing of training, and increase the capabilities of the target groups.

The priorities of the two strategies (i.e. EJTS and Dublin Strategy) were set through a similar procedure. In order to identify the priorities, a consultation process was launched amongst the key stakeholders. In the case of the Dublin Strategy, Member State administrations and trade organisations identified four business outcomes as priorities for the customs profession. For the European judicial training, the Commission defined priority areas through a consultation launched in 2010.

As for **LETS**, it is noteworthy to mention that this instrument, as well as EJTS, was enacted to respond to the Stockholm Programme's priorities. In particular, LETS aims at strengthening knowledge of the EU and cross-border dimension of law enforcement, achieving effective bilateral cooperation between national authorities, increasing training on specific topics with a view to spreading best practices and thereby enhancing mutual trust. Therefore, it is apparent that both

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<sup>260</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>261</sup> European Commission, The Dublin Strategy, A Strategic Performance Framework for the Customs Profession 2012-2015 through training and development, [http://ec.europa.eu/taxation\\_customs/sites/taxation/files/common/tenders\\_grants/tenders/resources/2015\\_a0\\_01/a11\\_dublin\\_strategy.pdf](http://ec.europa.eu/taxation_customs/sites/taxation/files/common/tenders_grants/tenders/resources/2015_a0_01/a11_dublin_strategy.pdf)

<sup>262</sup> As stated in Article 3 TFEU.

instruments set as key objectives an increase in the levels of mutual trust and cross-border cooperation between national authorities, and they both recognise the relevance of training on EU law to this end.

## Implementation mode and delivery plan

The picture concerning implementation and delivery of the Strategies is quite diverse.

As far as **implementation** is concerned, the Anti-trafficking Strategy, the Dublin Strategy and the EJTS all share the guiding principle according to which Member States are those responsible for implementing the Strategies' objectives. Indeed, the **Anti-trafficking Strategy** first recalls that the main responsibility for addressing trafficking in human beings lies with the Member States. Member States have retained the competence to develop plans and operate resources to fight human trafficking.<sup>263</sup> The purpose of the Anti-trafficking Strategy is thus to show how the EU intends to support the Member States. Similarly, the EJTS was framed within the national competence of Member States concerning training of legal practitioners, and the Strategy limited itself to setting overall objectives and supporting the national provision of judicial training. This is also the case for the **Dublin Strategy**, which makes it clear that Member States remain those responsible for providing training activities to customs officials. The Commission hence has a coordination and supporting role here as well.

Conversely, the implementation of the **LETS** does not entirely mirror that of EJTS. In the case of LETS, CEPOL is the body responsible for implementing LETS, rather than national authorities. CEPOL coordinates and exchanges information about training at the EU level, in cooperation with national authorities and the European institutions and Justice and Home Affairs (JHA) agencies. This differs from the EJTS framework, where the implementation and delivery are shared between the Commission, and the existing structures and networks both at national and at EU level.

As far as **EU funding** is concerned, all the Strategies hereby considered benefit from the support of EU financial resources. As explained in Section 4.2 'Efficiency', EJTS is supported by a wide range of EU funds. The **Anti-trafficking Strategy** relies on different programmes, such as the Home Affairs funding programmes, the Instrument for Stability, the Justice Programme and the Research Programme. The **Dublin Strategy** has been developed in the framework of the Customs Programme, and it is thus specifically supported by the financial resources available for this programme.<sup>264</sup> In a similar vein, the implementation of **LETS** is backed by the Internal Security Fund over the 2014-2020 period and by the European Social Fund under certain conditions.<sup>265</sup>

If we found similarities between the four Strategies, the **delivery plans** are less similar. Out of the four Strategies, two of them present concrete roadmaps for delivery. Both the **Anti-trafficking Strategy** and the **Dublin Strategy** provide a detailed summary of the activities to be implemented, the stakeholders in charge and an indicative timeframe. Conversely, EJTS lacks a detailed delivery plan, and leaves the modalities and timing of activities up to the European and national training providers. Lastly, **LETS** does not provide any specific detail concerning its delivery.

## Governance

The governance mechanisms of EJTS, the Anti-trafficking Strategy and the Dublin Strategy are quite similar in many respects. EJTS is governed by a composite structure, which includes the European Commission's Inter-Service Group, the Expert Group on European Judicial Training, which counts representatives of national stakeholders<sup>266</sup>. As for the **Anti-trafficking Strategy**, the Commission had a leading role in setting out the range of priorities and measures aimed at

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<sup>263</sup> Article 72 TFEU reads: "[Title V on the Area of Freedom, Security and Justice] shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security."

<sup>264</sup> European Commission, The Dublin Strategy, p. 14: "Through the Customs 2013 Programme the EC will provide financial assistance for the delivery of training and development courses as well as continue to fund the training and development support provision".

<sup>265</sup> COM(2013) 172 final, pp. 10-11.

<sup>266</sup> The idea of a possible agency to provide the governance of EJTS was discussed within the expert group and finally disregarded due to its inadequacy.

supporting Member States in the application of Directive 2011/36/EU. Such priorities and measures came out of consultations with governments of Member States, national rapporteurs on human trafficking, and international stakeholders. This suggests that also in the Anti-trafficking Strategy the governance rests on both the European Commission and national actors.

This is also the case for the governance structure of the **Dublin Strategy**. It is true that The Dublin Strategy is supported by the Customs Programme, under direct management by the Commission, meaning that it is centrally managed by DG TAXUD. Nonetheless, the governance of the Dublin Strategy is shared between the Commission and the Member States.<sup>267</sup> Indeed, the Dublin Strategy is meant to be a 'living strategy'.<sup>268</sup> This implies that the Dublin Strategy has been designed to be an evolving Strategy, which adapts itself to the changing needs of the customs officers. In practical terms, the Member States and the Commission regularly revise the Dublin Strategy under the lead of the European Training Steering Group. In particular, the European Training Steering Group<sup>269</sup> is in charge of providing information on common training initiatives under the Customs Programme. On the contrary, EJTS does not foresee any regular revision of its content. Nevertheless, as indicated by the Expert Group on European judicial training, EJTS has been flexible enough to address new emerging training needs, notable through the Justice Programme.

As for **LETS**, CEPOL remains the main actor for its governance. Nevertheless, CEPOL ensures a coordination role and consults other JHA agencies as well as the Member States.

## Target Groups

In terms of target groups, none of the other strategies hereby envisages a target group as comprehensive and large as EJTS does. Each of them addresses categories of professionals who at times interact with those addressed by EJTS, which suggests that the four Strategies cover many different types of professionals involved in judicial cooperation without causing major overlaps.

The target group envisaged by the **Anti-trafficking Strategy** only slightly overlaps with the one envisaged by EJTS. The Anti-trafficking Strategy focuses on those who work against trafficking in human beings and with victims of trafficking. It actually directly refers to the judiciary and cross-border law enforcement officers, which are also targeted by EJTS and LETS. The Anti-trafficking Strategy indicates that the Commission aims at strengthening training focusing in these two justice professions, and subsequently refers to the two instruments, ensuring coherence with them.

Another slight overlap exists between the target groups. LETS applies to "law enforcement of all ranks, from police officers to border guards and customs officers, as well as, where appropriate, other state officials, such as prosecutors"<sup>270</sup>. This also shows that a partial overlap exists between **LETS** and the **Dublin Strategy** as regards custom officers.

The **LETS** communication acknowledges the need for EU-sponsored training in criminal matters such as money laundering, cybercrime and terrorism, all subjects relevant to law enforcement officials. EJTS, on its side, has to some extent covered such topics in relation to training of justice professionals. Although prosecutors are covered by both Strategies, the two strategic documents are explicitly aware of this partial overlap. This framework meets European Parliament's call for a more consistent training framework for judicial and law enforcement officials in the EU<sup>271</sup>, and ensures coherence between EJTS and LETS.<sup>272</sup>

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<sup>267</sup> European Commission, The Dublin Strategy, p. 7.

<sup>268</sup> Ibid.

<sup>269</sup> The European Training Steering Group was an informal and temporary expert group of the Commission composed by officials from the national customs authorities appointed by their Member States and put into place to support the implementation of the Customs Programme, especially in the area of common training. The expert group is closed now.

<sup>270</sup> COM(2013)172 final, p. 3.

<sup>271</sup> European Parliament resolution of 14 December 2011 on the EU Counter-Terrorism Policy: main achievements and future challenges (2010/2311(INI)).

<sup>272</sup> Ibid.

## Types of Training Activities

Overall, in all four Strategies training activities benefit from a similar wide range of training activities.

The **Dublin Strategy** presents many similarities with EJTS, as both Strategies include conferences, seminars, language skills and e-learning courses. In the same vein, **LETS** includes the same comprehensive array of training activities. In the LETS Communication, exchanges are identified as a useful tool to spread good practices and to build trust,<sup>273</sup> just as is the case for EJTS. In addition, both instruments indicate that language skills are a crucial competence when it comes to cross-border cooperation. The **Anti-trafficking Strategy** does not specify the type of training activities and training formats to be used to achieve its objectives.

## Monitoring and Evaluation

The Strategies considered present a variety of evaluation and monitoring arrangements.

As far as **monitoring** is concerned, EJTS and the **Dublin Strategy** share a similar monitoring logic. The respective Directorate-Generals within the Commission in charge of the two instruments (i.e. DG TAXUD for the Dublin Strategy, and DG JUST for the EJTS) issue a report annually presenting the progress achieved.

No formal monitoring mechanism has been foreseen for the **Anti-trafficking Strategy**. However, in accordance with Articles 19 and 20 of Directive 2011/36/EU, the Commission reports every 2 years to the Council and the European Parliament on the progress made in the fight against trafficking in human beings (being assisted to this end by information collected by rapporteurs in the Member States). Article 23 of the Directive also conferred on the Commission the obligation to report in 2015 on the legislative measures taken by Member States to implement the Directive and, in 2016, to report on the impact existing legislation has had. In addition, the 2017 Commission Communication specifies a reporting obligation by the end of 2018<sup>274</sup>.

Some differences exist between EJTS and **LETS**. Whilst the Commission is in charge of monitoring both instruments, the LETS Communication states that the Commission has to report every 3 years to the Council and the European Parliament. As seen above, the European Judicial Training Strategy is monitored more frequently, as the Commission issues AJTR on an annual basis.

Concerning the Anti-trafficking Strategy, there is no formal obligation to monitor its implementation. Despite this, the Commission published a mid-term report.<sup>275</sup>

As far as **evaluation** is concerned, no specific provision was set out for EJTS and **LETS**. Conversely, the **Dublin Strategy** is evaluated within the framework of the evaluation of the Customs Programme as provided in its legal basis, i.e. Article 18 (i.e. mid-term and final evaluation) of Regulation 1294/2013 (Customs Regulation)<sup>276</sup>. In the case of the **Anti-trafficking Strategy**, no formal evaluation mechanism was provided for in the legislation. However, a mid-term evaluation of the Strategy was conducted in 2014 to take stock of how the EU Strategy was implemented in its two first years, i.e. early 2012 to the third quarter of 2014<sup>277</sup>.

### 4.3.2.3 The Strategy's coherence with national training policies

The Strategy is complementary to the national judicial training policies. It already announces in its introduction that "the creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area"<sup>278</sup>.

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<sup>273</sup> COM(2013)172 final, p. 5.

<sup>274</sup> COM(2017)728 final, p. 9.

<sup>275</sup> SWD(2014)318 final, Mid-term report on the implementation of the EU Strategy towards Eradication of Trafficking in Human Beings.

<sup>276</sup> Regulation (EU) No 1294/2013, *ibid.*

<sup>277</sup> SWD(2014)318 final.

<sup>278</sup> COM(2011) 551 final, p. 1.

The Strategy also recalls that Member States bear the main responsibility as far as judicial training is concerned. In addition, it is important to highlight that the Strategy also needs to respect the judicial independence as well as the self-organisation of the professional associations of judges, prosecutors, lawyers, notaries, and bailiffs. Therefore, the Strategy acknowledges that it would not be allowed, nor appropriate, to confer to the EU alone the competence of judicial training.

It is therefore clear that the Strategy does not aim to replace the national training policies. The Strategy actually points out that the national, regional and local existing structures are key to ensuring that judicial training activities include the EU law dimension. The Strategy therefore seeks to build on such structures, as well as on the European ones, in order to achieve its objectives. In this vein, the Strategy ensures coherence with national policies by channelling EU priorities through existing networks already relied on by national training providers. It is also significant that the Strategy indicated that training half of the legal practitioners in the European Union by 2020 was a shared challenge.

In this sense, the Strategy fully respects a bottom-up approach<sup>279</sup> and the principle of subsidiarity: indeed, it provides the general framework to build mutual trust in EU through judicial training, without imposing mandatory requirements to the Member States concerning their national judicial training policies. As explained under Section 4.4 on EU added value, national training providers appreciate the training activities delivered by EU training providers, as they complement their national offer with training activities they could not implement on their own. Besides, the Strategy also enables cooperation between national and EU-level networks, complementing the national level.

Moreover, the EU-level training providers are also aware of this issue. As explained and discussed during the conference *Shaping the future of European judicial training*, the EU level stakeholders aim to develop and deliver training activities complementing the national offer and thus bringing an added value (see Section 4.4 for further details on EU added value).

## 4.4 EU added value

In line with the Better Regulation Guidelines, the EU added value test is performed on the basis of the effectiveness and efficiency evaluation criteria. The following section presents the main benefits of this EU intervention, and explains to what extent the positive effects could not have been achieved at national level.

**The Strategy brings about EU added value to a good extent.** What is key about the Strategy is that it triggers **EU-wide awareness** on the importance to address the existing needs of legal practitioners in terms of judicial training on EU law. Besides, it also shows the commitment of the Commission to improve the EU approach towards judicial training on EU law<sup>280</sup>. Such strategic awareness has a knock-on effect on the availability of EU funds for judicial training and on the role of EU-level and national stakeholders that would not be achieved in the absence of the Strategy. .

The establishment of a common objective for the judicial training of EU legal professionals was also essential to the creation of the momentum. The Strategy has enabled not only to **increase the number of training activities** but has also to **promote some types of activities that Member States could not have been able to implement in solo** (e.g.) from a resources point of view (from an organisational, human, and budgetary perspective). Exchange programmes or the AJTR are such examples.

The Strategy contributed to the **improvement of training on EU law for several categories of legal practitioners**. The numbers of judges and prosecutors participating in training improved greatly. Court staff were given a focus that they had never received before, in the Strategy and during its implementation, leading to the national realisations of their training needs in general and on EU law in particular. Notaries organised cross-border training activities for thousands of participants in half of the Member States, which had snowball effects leading to the organisation of additional national training activities. CCBE put training on its agenda,

<sup>279</sup> The European Parliament stressed the importance of the bottom-up approach for judicial training schemes in its Report on the mid-term review of the Stockholm Programme (2013/2024(INI)).

<sup>280</sup> Minutes of the Expert group on European judicial training, 18 December 2017.

realised the great training needs of lawyers and launched several projects to improve the situation, notably the European Training Platform (a search tool of training activities in the EU) and the memorandum of understanding between its members regarding the mutual recognition of training followed abroad. The impressive **development of the EJTN** enabled the multiplication of the number of participants in its training activities by more than 2 between 2011 and 2017. This development is due to a variety of factors other than the Strategy; however, the financial support of the Commission to EJTN has been key, and has actually increased of 72.7% since 2011. The Strategy offered **EU-level networks and training providers**, such as CCBE, CNUE, ERA, EIPA, and others, a framework to coordinate their efforts to promote and spread training on EU law, and allowed them to work towards common goals in judicial training. These organisations are crucial to the Strategy implementation, because they are not only delivering training activities, but are creating and supporting the network of their members (e.g. via annual gatherings, dissemination of good practices, support to preparation of proposals). The embryo of cooperation between court staff's training providers at EU level has also been essential to start the assessment of the court staff's training needs on EU law.

The Strategy has also developed **training methodology guidelines** and identified best training practices and practical examples, which were not only advertised on the e-Justice Portal but also used as pre-requisite for the evaluation of the quality of the projects in the calls for proposals under the Justice Programme.

In addition, the Strategy has developed some **training materials** and advertised training materials developed under EU co-funded projects, to support the implementation of the Strategy, which were uploaded to the e-Justice Portal. The actual added value of the training materials is however relatively limited as training providers only use them to a rather small extent (national training providers develop their own training materials and do not reuse the ones uploaded in the portal). This is partly due to training providers and practitioners being unaware of the e-Justice Portal, and partly to the underuse of the materials included therein. On the other hand, the Commission "Advice for training providers", which gathers all recommendations and good practices stemming from previous EU-level studies, handbooks and conferences on the topic, is recognised as a valuable tool for training providers.

However, an **awareness issue** was raised by several stakeholders – i.e. many of them in a few Member State were not aware of the existence of the Strategy. This means that, whilst the Strategy has an added value for those who are aware of it and of its priorities, the overall added value of the Strategy still remains well below its full potential.

#### 4.4.1 Benefits from EU level action

The evidence collected confirms the added value of the Strategy's intervention. The results of the TC confirm this as approximately two thirds of the respondents (66.3%) consider to some extent (19.5%), to a large extent (29.9%) and to a great extent (16.9%) that the Strategy and its implementation brought added value, over and above what could reasonably have been expected from interventions by the Member States alone. This section aims to assess more in detail which aspects of the Strategy have been creating those benefits with most EU added value.

As mentioned in different places in this report, the Strategy has established a specific target: training half of the legal professionals in the EU between 2011 and 2020. As indicated under Section 4.2 'Efficiency', this target has already been achieved: more than 830 000 legal practitioners have been trained. The evolution of the legal practitioners trained is also illustrated in the AJTRs, which are perceived as useful tools by the stakeholders, particularly the training providers (e.g. in France), to closely follow the progress achieved annually and keep them motivated to reach the target set by the Strategy.

As illustrated in figure 12 (under Section 4.1.1.1 'Contribution of the Strategy to an increased number of judicial training activities on EU law'), the number of continuous training activities have been increasing since the adoption of the Strategy back in 2011. The Strategy has indeed contributed to increasing the training activities on EU law, both at the national and EU level as explained below.

In some Member States, the Strategy has been one of the factors contributing to raising awareness and triggering an interest in EU law training activities **at the national level**. The

Strategy has indeed pointed out the need to train legal practitioners on EU law and brought this issue on top of the political agenda. This was pointed out in our interviews in Cyprus, Hungary, Germany, and Poland. This is particularly true for some legal practitioners, such as bailiffs and court staff, whose training needs had not been taken into account beforehand in many Member States.<sup>281</sup> The Strategy has therefore generated awareness concerning the training needs of these professions, which were not sufficiently addressed at the national level.

After the adoption of the Strategy, some Member States actually adjusted their national judicial training curricula or implemented specific measures in order to include or reinforce the EU law dimension. For example, in France, *l'École de formation du barreau de Paris* hired 1 FTE dedicated to design learning materials and to support the professors in strengthening the EU law dimension in their courses<sup>282</sup>. In Germany, two dedicated FTEs have been in charge of the implementation of the Strategy at the federal level. In Belgium, the participation to the AIAKOS programme has been made mandatory for judges trainees. Additional countries, such as Austria (notaries), Czech Republic (judicial school), Cyprus (Supreme Court of Justice), Slovenia (national authority), Romania (judges), and Poland (judges) have taken into account the Strategy and put into place measures to strengthen the EU law dimension. These measures prove the added value of the Strategy, as these Member States would not have adopted them without the Strategy.

Other stakeholders (i.e. the bar associations in Spain and Slovenia, and the national authority in Germany) also indicated having modified their national curricula. Nevertheless, it is challenging to attribute such changes systematically and exclusively to the Strategy. As explained by our interviewees, training activities on EU law were in some Member States included in their national training curricula already before the publication of the Strategy (e.g. that was the case for the judges in Finland, Estonia, Germany, Spain). Besides, when included after 2011, it was not necessarily in response of the Strategy. The interviewees in those Member States (i.e. Spain, Slovenia, and Germany), explained that those modifications would have happen independently of the Strategy.

Moreover, some national judicial schools (i.e. Czech Republic, Estonia, France, Latvia, and Sweden) pointed out that EU law is a horizontal aspect connected to all areas of law. Due to its transversal nature, according to all interviewees, EU law is hence included in all training activities instead of dedicating a specific training activity to EU law. For this reason, it is not always possible to distinguish training activities on EU law from the ones on national law, as the first is included in the second. It is therefore challenging to identify the real impact of the Strategy in terms of training activities organised at the national level. This is however not always the case as sometimes national training providers specifically deliver training activities exclusively focusing on a EU instrument<sup>283</sup> (e.g. the GDPR<sup>284</sup> or the EU Charter of Fundamental Rights<sup>285</sup>).

**At the EU level**, cross-border judicial training activities have also increased. The Strategy, together with the EU funds available for its implementation, has enabled the delivery of cross-border training activities. These activities are bringing EU added value, and are highly appreciated by stakeholders. Cross-border training activities enable legal practitioners not only to deepen their knowledge on EU law, but also to meet their counterparts from other Member States in some of these training activities. In this way, legal practitioners get to trust the functioning of the other judicial systems when they hear about it from counterparts, and build a personal network, which is subsequently useful when they are confronted with international cases.

The Strategy has enabled the delivery of such activities through its support to consortia under the EU funds and under the form of strategic guidance. It is true that, independently from the Strategy, national training providers were already partnering with other national and also EU-level training providers to pool resources to deliver training activities that could not be delivered by one national training provider in solo. The main reason for pooling resources is the lack of financial

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<sup>281</sup> Minutes of the Workshop on European Judicial Training of 31.07.2018.

<sup>282</sup> This initiative lasted one academic year (2015-2016) and was not completely successful due to the reluctance of some professors to change their classes.

<sup>283</sup> This is especially true when it comes to regulations. Due to their legal nature, regulations are immediately applicable and enforceable by natural and legal persons in the Member States, while directives only oblige Member States to achieve the goals set out therein via domestic rules.

<sup>284</sup> See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

<sup>285</sup> See: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)



capabilities and human and organisational resources of individual providers to cover travel and accommodation costs and coordinate this type of activity. For example, some Member States (e.g. Belgium, France) indicated during our interviews their high interest in EJTN's exchanges because these activities could not be coordinated exclusively at the national level due to the high organisational costs (i.e. in terms of budgetary, time and human resources).

Against this backdrop, the Strategy's contribution lies mainly in the fact that, thanks to the Strategy's priority-setting role, EJTN and other EU-level stakeholders were able to allocate more resources for training activities, and do it more efficiently, towards clearly established priorities. The legal practitioners interviewed furthermore acknowledged the positive effects of networking with colleagues from other Member States: mutual confidence is built, ensuring subsequently a smooth judicial cooperation.

Beyond the increase of training activities and number of legal practitioners trained, the Strategy has also enabled to a good extent the **development of training materials** supporting the delivery of the training activities (Section 4.1 'Effectiveness'). We are referring here to practical guidelines, training materials or methodologies prepared at the EU level by the Commission or EU-level training providers such as EJTN (that prepared for example the common curricula on criminal justice, civil law, legal language and methodology for trainers). These materials are available on the e-Justice Portal or are being circulated by the EU-level organisations to their members.

Whilst training materials are developed by national and EU-level training providers regardless of the Strategy, the presence of the Strategy contributed, first, to creating training materials tailored to the training needs identified by the Strategy; second, to showing the importance of the circulation of training materials in order to reinforce knowledge and trust between practitioners from different Member States. However, the e-Justice Portal is meant to play a key role as the main hub for training materials on EU law. Here is where the Strategy's added value has been limited in practice, as too few stakeholders have been aware and made use of the e-Justice Portal (the reasons for low awareness and underuse are explained in Section 4.5.1.1 'Benefits from Eu level action' below). Some national stakeholders (national training providers) in 7 Member States acknowledged the added value of such materials as they reuse them to deliver their training activities. Others, however, indicated not having used them.

The Strategy has also contributed to ensuring that **the European networks**, such as EJTN, CNUE, CCBE, ERA, EIPA, ACA-Europe and ENCJ **continue to exist and are reinforced**. This is because, by identifying EU-wide priorities and goals for judicial training on EU law, the Strategy ensures that judicial training stand as a priority of the justice domain in the EU. This has a knock-on effect on the availability of EU funds for judicial training: the official recognition of EU law judicial training as a priority of the EU within the justice domain was reflected in more EU funding being made available for judicial training activities – as showed in Section 4.2.2.1 ('EU level funding allocated to training of legal practitioners), the amount of EU funding for judicial training increased almost every year from 2011. By increasing funding for judicial training, therefore, the Strategy has indirectly strengthened the key role played by EU-level organisations in offering EU-wide and cross-border training programs and projects along with national training providers. These organisations are not only implementing cross-border training activities, but also providing a valuable support to their members according to the interviewees. In particular, these EU-level stakeholders are disseminating good practices and training materials, bringing support to their members (e.g. helping their members to prepare a proposal to apply to EU funds) and developing the relations between their own members. These EU-level stakeholders indeed organise gatherings for their members in order to maintain the relations and ensure that they keep in touch despite the distance. For example, CNUE has developed a platform where notaries can communicate between each other and hold discussions online. The role of EJTN and other training providers, receiving either operating grants (e.g. CNUE received two operating grants close to 1 million EUR) or action grants (e.g. CCBE), is also perceived as crucial by the legal practitioners to implement the Strategy. Legal practitioners acknowledge thus the importance of such networks, and the justice professions currently lacking a network (e.g. court staff) shared their willingness to join one of the existing networks or create a new one<sup>286</sup>. It was also found that despite the fluid internal

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<sup>286</sup> As discussed during the conference *Shaping the future of judicial training*, there are ongoing discussion to assess whether EJTN will include also court staff in its target audience in the future.

relations between the members within one network, these different networks are not currently meeting nor discussing amongst themselves, thereby missing the opportunity to leverage on their experience and knowledge (i.e. networking between the networks).

As regards **EU funds**, on the one hand, the Strategy contributing to yielding added value from the funding standpoint. Indeed, as explained above, the EU-wide visibility granted by the Strategy to EU law judicial training resulted in more funding being made available for judicial training activities than it would have been the case without the Strategy.

Moreover, on the other hand, these funds enable the implementation of cross-border projects that could not possibly be organised by one Member State in solo due to the limited resources, including financial means, available at national level. The interim evaluation of the Justice Programme also made this finding for its scope, stating that the EU added value of that programme (crucial among the funding programmes supporting the Strategy<sup>287</sup>) is evident above all, in the implementation of “transnational projects with a European dimension to tackle cross-border issues”<sup>288</sup>.

There are, all in all, clear benefits from this EU intervention:

- Increased number of legal practitioners trained on EU law;
- Specific measures in place at the national level to implement the Strategy;
- Increased number of cross-border training activities on EU law;
- Development of training materials at the EU level;
- Continued existence and reinforced capacity of European networks;
- Available EU funds to support the implementation of the Strategy.

However, there are also some aspects limiting the Strategy’s EU added value.

First, the Strategy can have an impact insofar as stakeholders are aware of its existence and of the guidance provided therein. The Strategy has indeed been proving to yield an added value for the stakeholders who know about what it brings to European judicial training. However, the added value of the Strategy is directly limited by the overall low awareness of its existence. It was found during our data collection activities that some stakeholders in some Member States (e.g. Denmark, Latvia, Portugal, and Sweden) ignored that the Commission had published a Strategy on judicial training. Although neither legal practitioners nor training providers are required to know this EU instrument, this lack of awareness is nonetheless striking.

Similarly, some national training providers (mainly bar associations in six Member States) are not aware either of the e-Justice Portal. Although this is the case for only a minority of them, this issue is limiting indirectly the added value of the Strategy. For the rest of training providers (e.g. judicial schools in 5 Member States), despite being aware of the e-Justice Portal, they are not particularly making use of the training materials available there. As explained under Section 4.5 on Sustainability, and as explained during the interviews, stakeholders are deterred from using such materials by two main reasons: first, they argue that the portal and its materials are not user-friendly (i.e. it is complex and not always clear how to navigate the Portal); second, they affirm that some materials lack quality or are outdated. More generally, and as explained during the interviews, these stakeholders do not consider the portal especially useful due to its lack of user-friendliness and lack of relevant and updated training materials. Few professionals indicated that they actually consult the e-Justice Portal for learning materials.

In addition, the added value of the Strategy is hampered by the limited leverage of EU funded projects. It was found that the high-level quality materials resulting from EU funded projects are not sufficiently spread amongst the stakeholders. This prevents stakeholders from leveraging on these materials, hindering the potential added value of EJTS. This also leads sometimes to the duplication of efforts, as there is no overview on what has been already funded and developed.

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<sup>287</sup> The Justice Programme is the main financial source: 75.5% of the legal practitioners trained in 2016 partook in a training activity funded this programme.

<sup>288</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the interim evaluation of the implementation of the Justice Programme 2014-2020.

This hampers the added value of the Strategy, as projects very much alike can happen to be funded producing similar results<sup>289</sup>.

Another aspect slightly hampering the EU added value of the Strategy is its material scope in terms of target group. The scope is indeed perceived by some stakeholders as insufficient as not all justice professionals are explicitly targeted. As explained in the context (Section 3.1 'Background'), the Strategy is based in Articles 81 and 82 TFEU, which refer to training of the judiciary and judicial staff. The Commission considered it possible to extend these provisions to lawyers and notaries as well. As further detailed in Section 4.3.1 above, over the years, the Strategy has been interpreted broadly as targeting all the justice professionals (now including for example probation and prison staff), although it is not specifically stated in the communication.

As for the **EU funds**, we note that their administrative complexity seems to limit the submission of proposals or at least the variety of project leaders undertaking it, and hence limits EU added value. Stakeholders tend to perceive as overly burdensome the efforts needed to submit an application and ensure compliance with their general requirements. Many stakeholders (e.g. in Austria, Estonia, Germany and Greece), indicated that if they are involved, they actually prefer to have a partner role rather than the role of the project leader as there is too much administration involved. The leading role is, therefore, usually taken up by EU-level training providers such as EJTN, ERA, EIPA, CCBE and CNUE. Some stakeholders with less administrative capacity, such as small national, regional and local training providers even seem to have decided to stop applying for EU funds because of the administrative burden associated with preparing submissions.

## 4.4.2 Likely consequences of withdrawing the Strategy

As indicated in the previous section, although the Strategy has been yielding added value to some extent, its added value is limited by a significant lack of awareness amongst stakeholders concerning either the Strategy itself and/or its supporting tools such as the e-Justice Portal. Only a minority of the stakeholders at the national level seem to be aware of this EU instrument. However, almost all stakeholders interviewed emphasised the negative effects that would ensue, should EU financial support for judicial training on EU law be stopped.

As one respondent commented in the Targeted Consultation: "the added value of EU funding and Strategy is creating the possibilities and facilities to bring the Judicial Training institutes and magistrates from all over the EU together in common activities which a national member couldn't do alone".

It is true that the Strategy is not per se a necessary condition for EU funds to be available to national and EU-level stakeholders for the purpose of organising judicial training activities. However, first, without the Strategy, the European dimension of judicial training would lose an overarching, constantly evolving framework setting out the priorities for training on EU law – and, indirectly, suggesting how to best make use of the available EU funds. Therefore, Member States would be able to use less EU funds to make their offer of cross-border training activities in keeping with the evolving needs of legal practitioners.

There is a second reason why the Strategy is necessary. The launch of the Strategy is evidence of the fact that the Commission recognised the need for a more convincing and streamlined approach towards judicial training on EU law, and formally engaged to financially and politically support and improve the national judicial training strategies.

As regards funding, the steady increase in financial support for judicial training from 2011 suggests that the triggering effect of the Strategy on the allocation of EU funding largely has contributed to the availability of financial resources required to organise judicial training activities on EU law. This means that, if this EU-level recognition were to be abandoned (i.e. by withdrawing the Strategy), this would have a likely negative impact on the share of EU funds for judicial training in the following Multiannual Financial Frameworks.

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<sup>289</sup> Minutes from our strategic interviews.

Likewise, the tools supporting the implementation of the Strategy such as the AJTRs or the training section on the e-Justice Portal would not be available or maintained any longer without the Strategy triggering a EU-wide political interest on judicial training. On the one hand, this would decrease the interest on judicial training of EU law. Without a specific target to reach and the EU financial support, stakeholders are not likely to be still motivated to promote training activities on EU law. On the other hand, without a common reference tool in the context of judicial training (i.e. the e-Justice Portal) regularly updated with relevant documents, the sharing of best practices and knowledge of EU law is likely to decrease.

The training providers such as EJTN, ERA and EIPA relying on operating grants awarded by EU funds would be seriously impacted by the lack of support. In the case of EJTN, for example, 96.5% of their budget comes from the Justice Programme, while the rest is covered by the contributions from its members. As a consequence, their activities and their impact would drastically decrease; if not stop completely because the remaining budget would be so low as to only enable the organisation of meetings of the members, and not of cross-border training activities or exchanges. The work of EJTN is in particular highly appreciated by stakeholders. In fact, other stakeholder groups (i.e. court staff) recognised the benefits of EJTN to judges and prosecutors, and noted the absence of a similar network for their respective group.

These consequences would not in the short-term be likely to lower the level of understanding of EU law and mutual trust. As explained under Section 4.1 on Effectiveness, the ever increasing integration of EU Member States, the cross-border transactions, travel and migration naturally lead to a common need amongst legal practitioners: having a good knowledge of EU law accompanied by a sound level of mutual trust. Without the Strategy, this need would persist and Member States would be likely to address it. However, Member States would be unlikely able to achieve the same benefits, or at same achievement levels, as with support from the Strategy. As explained in the subsection above, Member States alone, without the strategic support of the Commission, could not develop an EU-wide political interest in EU law judicial training; and Member States have only limited resources (from a budgetary, human and organisational perspective) to address judicial training via national judicial training strategies. What is more, smaller jurisdictions indicated that they would expect the level of mutual trust to decrease were the Strategy withdrawn. They would fear that with the withdrawal of the Strategy their jurisdictions will no longer take time to interact with other jurisdictions, thereby falling back operating in isolation from one another. Therefore, the consequences would be aggravated in the long-term.

## 4.5 Sustainability

In this chapter, we will discuss two evaluation questions regarding the sustainability of the Strategy. The first question we are addressing below concerns the existing or potential factors associated with the Strategy that might be linked to sustainability of training activities. The second question we will address is to what extent the implementation of the Strategy has had a lasting effect on its direct target audiences (i.e. legal practitioners) and other main stakeholders (i.e. training providers).

**Different, internal and external**, existing or potential factors are linked with sustainability and have an impact on the lasting effect of the Strategy.

**Tailoring training activities** to specific groups of participants is a necessary condition for the Strategy to be able to have a lasting effect. **For this tailoring, needs assessment** is a very important internal factor. Training providers in the Member States generally do perform a bottom up or top down needs assessment, via different methods. Most of them use a combination of assessment methods in order to create a learning curriculum. This makes them able to tailor their training for specific groups of participants, which increases sustainability. Stakeholders of Member States can find guidelines on how to perform training assessment on the website of EJTN as well as best practices from different Member States on the e-Justice Portal. Legal practitioners' **language barrier** is a clear obstacle of their participation in cross-border training activities. This language barrier prevents legal practitioners from participating to cross-border training activities, or when they do, it hampers their level of intake. Legal practitioners do not fully gather the knowledge shared during the training activities. The language barrier has therefore a negative impact on the lasting effect and sustainability of the Strategy.

Member States are increasingly aware of the importance of organising **high quality** EU law training activities in order to ensure the lasting effect of learning. For some of them this was due to the Strategy, while others state already having high quality level training activities. Although Member States take action to improve the **measurement of quality and increase the quality of training activities**, there is still room for improvement in order to reach the level achieved within modern learning. For example, based on our data collection activities, it was found that national training providers are not including within their daily tools some electronic learning formats such as applications, podcasts and e-learning, which are daily practice within modern learning.

In order for the Strategy to be sustainable, **follow-up activities** need to be conducted. At this point in time, not enough **follow-up activities** take place with regards to the assessment of learning of legal practitioners. Although guidelines and inspiration can be found in the EJTN Handbook on Judicial Training Methodology in Europe<sup>290</sup>, it does not seem to be applied as much as desirable (for every training activity and on different point in time after the training activity took place).

**The perception of time spent on training is also an important factor for sustainability, and it is twofold.** On the one hand, legal practitioners perceive having no time to attend training activities. On the other hand, the ones responsible for the approval of the applications consider there is no time for training activities. This mindset poses an important limitation on the number of participants and consequently to the lasting effect of the Strategy. When reaching a high number of legal practitioners, the Strategy ensures higher chances of having a long lasting effect.

Another way for the Strategy to ensure its sustainability is the re-use of training material. The Strategy has not been fully able to ensure sustainability via the **materials provided on the e-Justice Portal**. An important factor for this is the lack of awareness of the existence of these materials on the e-Justice Portal. Another factor is that there are only some legal practitioners who re-use the materials shared on the e-Justice Portal, due to **issues with the content (out dated material), the format (user friendliness) and the navigation**.

As for the impact of the Strategy on its direct audience, we can say that **the Strategy was able to have a lasting effect on its main beneficiaries**. The Strategy has influenced national training programmes, in which the EU law dimension is now more present than in

<sup>290</sup> See: [http://www.ejtn.eu/Documents/EJTN\\_JTM\\_Handbook\\_2016.pdf](http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf)

2011. Besides, Member States perceived **a change and even an increase in the knowledge, attitude and use of EU law.**

## 4.5.1 Existing or potential factors linked with sustainability

In order to answer the first evaluation question regarding the existing or potential factors that might be linked with sustainability, we chose to divide them into internal and external factors. Within this division, we will address the different indicators and their link with sustainability.

### 4.5.1.1 Internal factors

For the assessment of the internal factors, we will assess the extent to which the Strategy has succeeded in tailoring training activities, delivering quality learning, having valuable follow-up activities assessing the learning of participants and promoting the re-use of training material. In our learning experience, these internal factors are clearly linked to sustainability.

#### Tailoring of training activities

Tailoring learning activities to the target audience is a well-known factor of sustainability in learning. Tailoring can lead to different positive outcomes: stakeholders may be more willing to participate in training activities, participants are likely to be more inclined to apply what they have learned, and the potential for behavioural change is higher. Tailoring learning activities can be facilitated through conducting need assessments of the target groups as well as ensuring the language of the activity is appropriate for the group. We assess the performance of the Strategy in these areas below.

#### NEEDS ASSESSMENT

The Strategy does not directly promote the use of needs assessment in the development of training activities despite being a well-known sustainability factor in learning. However, based on our data collection and analysis, we see that some assessment is generally conducted by training providers. In some Member States (i.e. Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Latvia, Poland, the Netherlands, Slovakia, Slovenia, and Sweden), the training providers carry out a process of identifying and describing the requirements, needs and challenges faced by legal professionals in terms of knowledge and skills. The needs assessment is a methodological tool used by training providers to develop their training curriculum.

Although needs assessment is occurring quite frequently across the EU, it was found that varied and different methods are used across Member States and professions. The most common method used is a bottom up needs assessment<sup>291</sup>, which means that they ask legal practitioners directly what their needs are. This is done in different ways. The most common method is asking legal practitioners to fill out a questionnaire. According to their replies, a list of topics is then produced, which in some cases needs to be approved by the program counsel or another entity, responsible for the final decision of the curriculum. This seems to be the most applied method. Others include the needs assessment aspect in the evaluation form for training activities. In Germany, they established a small expert group for EU law training needs assessment and the responsible association of probation officers in Latvia even created an assessment centre for this purpose. A good example of a bottom-up needs assessment comes from the judicial school of the Netherlands. They organise meetings and platforms grouped by subject area with different

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<sup>291</sup> A bottom up needs assessment assesses the needs for learning by asking the legal practitioners themselves what they need. A top down needs assessment starts from the assumption of needs defined by the Member State Authority, training provider, the representative associations for legal practitioners or the Member State authority or any other party responsible for the creation of the learning curriculum.

stakeholders in the field. They collect questions regarding the learning needs of legal practitioners from the field and use them to develop the learning content.

A minority of Member States perform a top down needs assessment before composing their training curriculum. In this case, the training provider, the representative associations for legal practitioners or the Member State Ministry decides on the content of the curriculum based on the daily practice of legal practitioners and on the topics that are acute, problematic and main fields of interest. Some Member States, including Poland, Croatia and the Czech Republic, choose to perform interviews with the court ministry of justice, ombudsman, prosecutor officer or faculty of law.

Some of them, including Austria, Cyprus, and Malta are not performing a specific top down needs assessment because they simply follow the priorities of the Strategy. Unfortunately, not all Member States can organise training activities regarding all priorities of the Strategy because of their capacities (e.g. limitations of budget and available time for training).

From a learning expert point of view, we underline the importance of needs assessment. In order for the Strategy to have a lasting effect, the participants have to acknowledge the added value of such training for them. If they consider the training activities are addressing their needs, they will be more likely to apply what they have learned. However, the Strategy does not sufficiently contribute to convince Member States to implement a needs assessment.

A minority of training providers of the Member States mentioned that they take into account the suggestions of EJTN and EU level training providers<sup>292</sup> regarding important topics on EU law. Although the Commission has published different best practices on how needs assessments can be done, there seems to be hardly any awareness of its existence at national level.

## LANGUAGE

As explained under the Effectiveness section, the Strategy aims at enhanced mutual trust between legal practitioners and improve the implementation of EU law. A tool to improve to achieve these two objectives are the cross-border training activities. The language barrier, however, hampers the effectiveness and the sustainability of the Strategy. The insufficient language skills prevents participants from gathering all the knowledge shared during training activities.

Nevertheless, the Strategy aims at complementing the national level, and shall not solve the lack of language skills. The Strategy is not responsible for the language skills of legal practitioners, as it remains a national competence of the Member States. Aware of this linguistic challenge, national training providers are reinforcing the linguistic dimension and are providing language skills training in their curricula.

### Quality of learning

The second internal factor linked to sustainability is the quality of training activities. In order to assess whether the Strategy has a lasting effect, we need to first know if the training activities delivered and the training materials used are of high quality, and second, if the Strategy has contributed to a higher quality of learning in the Member States.

The Strategy calls on Member States to use training formats that are practice oriented and relevant for the everyday work of the legal practitioners. From a learning expert point of view the importance of practical and interactive training activities, in which legal practitioners get the chance to familiarise themselves with the insights in a practical way, is clear. The higher number of training activities are implemented through practical exercises and interactivity, the bigger the chance for behavioural change are. Having practical exercises in training activities, next to theoretical insights, provides the participants a safe environment where they can experiment with the application of the topic on EU law that is addressed. It will make them more confident to apply the insights they learned in their daily work, which will increase the quality and lasting effect of the training activity. In the TC, interactivity with the speakers (69%) and between participants (67%) are scored as the most important criteria to rank the good or poor quality of a training activity on EU law and this can be confirmed from a learning expert view.

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<sup>292</sup> See: [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do](https://e-justice.europa.eu/content_good_training_practices-311-en.do)

Although there is awareness regarding the importance of practical training, overall we can say that there is room for improvement on this in the different Member States. Some interviewees (training providers, Member States authorities and legal professional associations) mention that they already organise **practical and interactive training activities** and that the Strategy, as well as the Commission and EJTN's activities, helped them realising the importance of practice oriented training formats. The Strategy, the Commission and EJTN are according to the stakeholders interviewed a source of inspiration. They helped Member States by inspiring them on how to create/organise practical training activities. The Royal Dutch Association of Civil-law Notaries brought an example of this to our attention. In their workshops, they use alternations between plenary sessions and group work. Participants are divided in small groups where they solve targeting key issues they are confronted with together. Afterwards, a specialist in EU law makes plenary conclusions, enabling participants to learn from each other and get practical examples on how their peers are implementing EU law. Based on our expert judgement, we stress the benefit of practical training activities in order to increase the sustainability.

Modern learning strongly promotes blended learning since it increases the quality, sustainability and return on investment. Blended learning increases cost-effectiveness because it allows reaching a large audience in a short period of time. Electronic formats can be used multiple times, and consulted again afterwards, which increases its lasting effect. A good example of blended learning which was mentioned by interviewees as current practice is creating a preparatory e-learning, covering some theoretical insights on an EU law topic, which is a prerequisite of attending the face-to-face classroom activity. In that way participants are prepared and can be focused on interactivity and practical exercises during the face-to-face activity, instead of only absorbing theoretical insights. After a couple of months, the e-learning can be used again as a recap and to refresh the knowledge on the topic addressed. Based on the modern learning theory, the next step will be to include Learning in the flow of work<sup>293</sup>. It embeds learning into the platform (portal, intranet) in which the legal practitioners work, so the systems can coach and train them to improve their performance on their daily practice.

Another element to be discussed regarding the quality of training is the quality of the materials on the European e-Justice Portal. One of the reasons why training materials uploaded in the e-Justice Portal are not always used, is the concern regarding its **quality** (e.g. outdated documents). National training providers only use the materials that their judges or trainers consider to be qualitatively adequate. In particular, we focused our assessment in the quality of the e-learning courses uploaded in the e-Justice Portal. First, it was found that, the format of the e-learning courses could be further improved (e.g. clear structure, presentation slide with the content of the course, avoid too much text per slide).

From a learning expert point of view, it seems difficult to quantify **the impact of the Strategy on the quality of training** on the level of quality in the different Member States. Member States do conduct an assessment of the quality of their training (usually via questionnaires, level 1 of the Kirckpatrick model) , but it is not clear to what extent the improvement of the quality is due to the Strategy.

Quality of training activities seems to differ across the stakeholders interviewed. However, the perception of many stakeholders on the current level of quality is better than before the Strategy. Based on the results of the TC, 34% of TC respondents note that the Strategy was extremely successful (17%) to very successful (17%) in achieving its objective to improve the quality of training activities on EU law, 20% note that the Strategy succeeded to some extent and 28% says that they don't know whether the Strategy succeeded achieving this objective. Some of the stakeholders interviewed seem to link this perceived increase of quality with the Strategy by mentioning that since its adoption more of their budget is spent on changing the quality of training activities. It became noticeable for these interviewees that more of their national budget is spent on providing quality content such as inviting high-level speakers, hiring translators, and investing in the use of modern technologies. A reason for increased quality mentioned is the possibility to now share best practices and materials with other Member States, to participate in exchange programs, and the financial possibility to involve professional foreign speakers. In addition, some

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<sup>293</sup> Bersin, J. (2018) A New Paradigm For Corporate Training: Learning In The Flow of Work.



interviewees mentioned the involvement of EU level training providers (EJTN, ERA, EIPA) as contributing factors to the quality of their learning offer. This increase of the quality would have not been possible without the Strategy. Others find it difficult to assess the impact of the Strategy on the quality because of a lack of a national baseline being established before the Strategy was adopted or because they consider EU law as part of general law training activities (rather than a separate activity).

An additional key point to take into account concerning the quality of learning is the quality of trainers. Trainers are indeed key to deliver a high-quality training course. Their formation is therefore key to ensure this. A format used for this purpose is the Train-The-Trainer (TTT) format. This format has **a multiplier effect for the target audience** while ensuring high quality is the Train-The-Trainer (TTT) format. A Train-The-Trainer has the goal to teach participants the necessary skills to become a trainer, and thus be able to pass the knowledge ensuring it will be applied in the daily practice of the legal practitioners (e.g. presentational and didactical skills, interactivity, creation of learning materials)<sup>294</sup>.

Besides, TTT courses are a way to tackle practitioners' language barrier. This format was also considered as of added value by interviewees and workshop participants. Based on our professional learning knowledge, we note that trainers from 'the field' have great credibility thanks to their professional experience, decreasing possible resistance from the participants and increase the behavioural change afterwards. Another benefit offered by TTT is the time lost when traveling abroad in order to be able to participate in a given training on EU law<sup>295</sup>.

When assessing the quality of a training course, participants are often asked to evaluate the trainers. This enables the national training provider organisation to have an overview of the quality of its trainers. In Spain for example, when trainers do not receive a high score from the attendees, they will not be invited to future training activities. This mechanism enable to keep high standards in terms of quality.

### Follow-up activities assessing the learning of participants

Another internal factor linked to sustainability is the application of follow-up activities assessing the learning of participants. The majority of ministry authorities, training providers and legal professional associations interviewed, indicated that follow-up activities are being performed to assess the learning of the participants. In order to respond to the evaluation question whether the Strategy has a lasting effect, we need to analyse these follow-up activities and to what extent legal practitioners' daily practice is assessed by these activities.

Learning measurement feeds a strategic process that provides the data necessary to make better decisions regarding the most appropriate training activity in a prompt manner. It is noteworthy to mention that the data analysis here does not only involve quantitative but also qualitative data. Qualitative data can provide valuable insights, providing explanations on the quantitative data, and can be used to capture information that cannot be easily quantified. Modern learning uses an evaluation methodology in order to assess the learning of participants. Learning experts recommend applying the **four level evaluation model of Kirkpatrick**<sup>296</sup>, also used by EJTN.

In 20 Member States, at least one or more of the interviewees<sup>297</sup> indicated that they conduct an evaluation of the training activities they organise. Most of them do a so-called 'warm evaluation' at the end of (some) learning sessions, where they ask for a first impression of the degree of favourability of the participants concerning the training activities (**Level 1**). A couple of the

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<sup>294</sup> A Train-The-Trainer consists of two subject matters. The first one is the content itself, the topic on EU law that needs to be mastered by the participants. The second one concerns the skills a trainer needs to master.

<sup>295</sup> Travel can be very time consuming and is one of the reasons training activities are seen as a loss of time rather than a gain.

<sup>296</sup> To make a good evaluation of training activities, the learning of participants has to be assessed at four of Kirkpatrick's levels:

- Level 1: Reaction- to what degree judicial participants react favorably to the training?
- Level 2: Learning- to what degree participants acquire the intended knowledge, skills, competences and attitudes based on their participation in a training event?
- Level 3: Behaviour- to what degree participants apply what they learned during training when they are back on the job?
- Level 4: Results- to what degree targeted outcomes occur as a result of the training event and subsequent reinforcement?

<sup>297</sup> I.e. Member State authorities, training providers, representative associations for justice professionals.

interviewees take it a step further and ask questions in order to find out to what degree participants acquire the intended knowledge, skills, competences and attitudes based on their participation in the training activity (**Level 2**). For these two levels, the evaluation method used is usually a questionnaire to be filled out by the participants at the end of the training or a couple of days after the training. A couple of interviewees indicated that they circulate this type of questionnaires, and two others mentioned that their participants have to pass an exam on the topic of the training activity.

According to the evaluation model of Kirkpatrick and EJTN the evaluation should go beyond these two levels. The Kirkpatrick model should be embraced (at least the three first levels – as the 4<sup>th</sup> level concerns the satisfaction of the society, and is very difficult to measure). EJTN has included examples of how evaluation can be done in their Handbook on Judicial Training Methodology in Europe (incl. a comprehensive explanation of the Kirkpatrick model). Aside from EU training providers, who seem to be familiar with the Kirkpatrick evaluation model, only five of the interviewees in the different Member States mentioned their acquaintance with the handbook and/or of the evaluation model of Kirkpatrick. Even though we did not only interviewed training providers, this is rather low. One of them supported EJTN in composing the chapter on Kirkpatrick and two clearly indicated that they evaluate all training activities using the Kirkpatrick evaluation model up to level 3. One of them, the Judicial School of The Netherlands, works together with an expert on educational science to identify the questions with predictive value for level 3 in order to include them in their evaluation forms. An important remark is that one of the interviewees that confirmed their acquaintance with the evaluation model of Kirkpatrick (DG JUST) mentioned not to be sure how the manual and the Kirkpatrick model in particular should be used in practice.

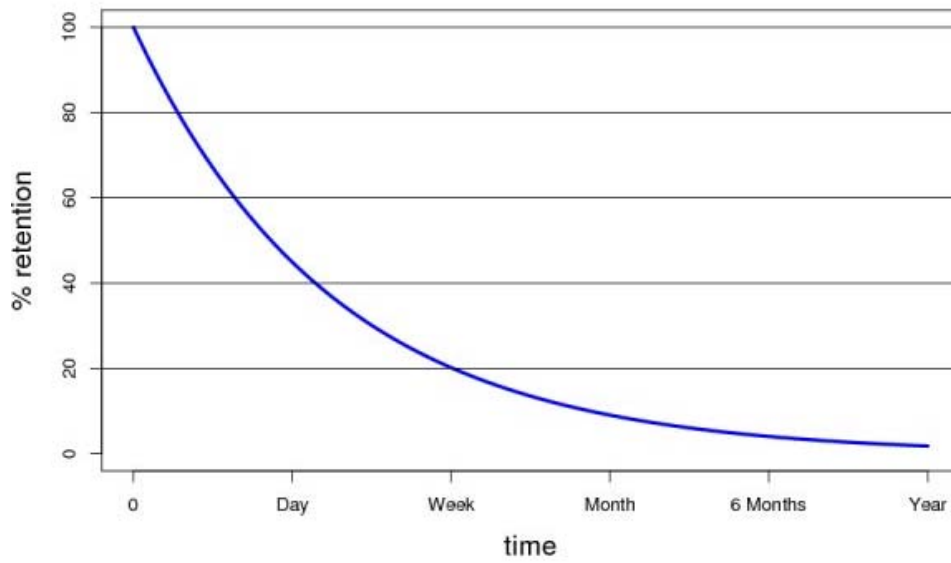
Aside from the 'warm evaluation' that is done immediately after the training activity, it is very relevant to do an evaluation within a couple of weeks/months. This is the so-called 'cold evaluation'. It was a positive thing to hear that three of the interviewees mentioned that they conduct a 'warm evaluation' right after their seminars combined with a 'cold'/long-term evaluation after six months. In Latvia, there is a qualification commission that ensures judges are evaluated periodically: a first evaluation is conducted after the 1<sup>st</sup> year of work, the 2<sup>nd</sup> one takes place after 3 years of work, and 3<sup>rd</sup> is implemented after 7 years work. The monitoring of the level of knowledge of the judicial practitioners brings added value to the sustainability of the Strategy. The higher the level of knowledge is, the higher the sustainability of the Strategy is likely to be.

The importance of a cold evaluation can be explained by the Forgetting curve of Hermann Ebbinghaus<sup>298</sup>. Ebbinghaus studied the forgetting behaviour, and described how the ability of the brain to retain information decreases in time. As illustrated in the figure below, the percentage of retention drops in the first couple of days. In the following weeks, the retention percentage keeps dropping but slower. Therefore, in order to have an accurate overview on what participants remembered from the training format, it is important to conduct the assessment at different moments in time (i.e. a combination of warm and cold evaluations).

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<sup>298</sup> Ebbinghaus H (1885) Über das Gedächtnis. Leipzig: Dunker

Figure 22: The forgetting curve



Source: Ebbinghaus H.

Important to note here is that modern learning stresses the importance to take actions in order to slow down the retention and reinforce the learning process. One possibility to do so is to enforce continuous learning.

## Re-use of training material

The last internal factor linked to sustainability is the re-use of training material. For this purpose, we need to assess the training materials available in the e-Justice Portal, and to what extent EU-level and national training providers, as well as the legal practitioners consider it is qualitative and to what extent they (re)use it. If training materials provided by the Commission is perceived as qualitative and can be re-used by the stakeholders, they can be expected to increase the lasting effect of the Strategy.

We note in this respect that the training section of the **e-Justice Portal** does not seem to be perceived as particularly useful by stakeholders in helping them to learn about EU law or for providing relevant training materials for training providers. Most of the interviewees and respondents of the OPC and TC indicated that despite being aware of the materials provided on the e-Justice Portal, they do not make use of them. Similarly, training providers did not especially attribute the development of quality training programmes to the materials contained on the training section of the Portal (although many of the materials shared in the e-Justice Portal are EJTN training materials). In fact, only 32.1 % of the respondents to the TC indicated that the Strategy was successful in achieving its objective to develop the e-Justice Portal to support European judicial training. Our interviewees further supported these views.

The reasons why Member States and their legal practitioners in particular do not make use of the Portal were mentioned during our different consultation activities. A first reason is **lack of confidence regarding the learning materials** being up-to-date. Some interviewees simply prefer to use their own material instead in order to be sure that all is up-to-date. Another reason mentioned by interviewees concerns the **quality of the materials provided on the e-Justice Portal**. They only use the materials that their judges or trainers consider to be qualitatively adequate. In case of the e-learnings, not only is the quality of the content important but also the quality of the format (see subsection above 'Quality of learning').

A third reason for the low level of use of the e-Justice Portal that came up in different interviews concerns the **complexity and lack of clarity on the e-Justice Portal**. There are many different types of information available on the Portal, but stakeholders find it is too complicated to find the relevant learning tools<sup>299</sup>. Hence, many interviewees felt the e-Justice Portal as not user-friendly. Importantly, some Member State stakeholders we spoke with seem not to be aware of the existence of the e-Justice Portal (e.g. Danish Bar and Law Society). This limits the chances that the legal practitioners know the Portal and its features. This trend was also confirmed in the OPC where 54% of the respondents who mentioned that they do not know how and where to find good and ready to use training materials.

**Only a few professionals interviewed indicated that they actually consult the e-Justice portal for learning materials** (e.g. in Bulgaria, France, Poland, Romania, Slovenia, Spain, Sweden). They say they use the materials for inspiration on topics, to build their own training activities and some of them raise awareness of the e-Justice Portal by sharing the link during their training activities. A minority of our interviewees are pleased with the quality of the material on the e-Justice Portal. Some are but tailor the materials and some are not but use the materials anyway due to the lack of own materials.

Only 23% of the respondents of the TC indicate that the e-Justice Portal was extremely to very useful in supporting the Strategy. 45 % of TC respondents indicate that the Commission should improve the training section on the e-Justice Portal. From a learning expert point of view, we can stress the importance of a well-developed portal. The **European Training Platform** is due to be available on the e-Justice Portal in 2019. The ETP will allow training providers to post their training activities (while the training materials will only be uploaded by Commission services, so that their quality be first ensured).

Most of the training providers and Member State authorities we interviewed have their own learning materials they provide via their website or via e-learning platforms. Some of them create up to 80% of their materials themselves, sometimes in cooperation with ERA or EIPA or speakers

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<sup>299</sup> See quality of learning for more details.

they invite and even share their documents and best practices with partner countries. There are also many interviewees that use the materials from the EJTN, which they assess to be qualitative, or materials from other EU schools, or other stakeholders (e.g. handbook on Train-The-Trainer of EJTN, methodologies of EJTN on linguistic training, training material from HELP programme, booklets on regulations from CNUE, curia.europa.eu, successions-europe.eu, EUR-Lex). Other stakeholders also mentioned the use of the European Judicial Atlas.

## 4.5.1.2 External factors

### Time for training seen as an investment

In order to assess whether the Strategy is sustainable, we also need to take into account the mindset of judicial practitioners, Member State authorities and representatives of associations for justice professionals with regard to training activities and their added value for their daily work. The more they agree with such added value, the higher the chances are legal practitioners will participate to the activities and will apply what they have learned. In the case of liberal lawyers, bailiffs and notaries, they are responsible for their own learning. Since they lose money being away from their practice they might see training as an investment, which can result in a lower number of participation.

The mind-set of the Member State authorities and representatives of associations for justice professionals is crucial. If they do not consider EU law training to be a necessity and a value adding activity, they will be less likely to convince or allow their practitioners to attend training activities on EU law. Managers or supervisors have an important responsibility to lead by example. Behavioural change must be encouraged at the highest level of the organisation and find its way down to the organisation as a whole. Within modern learning, **stakeholder management** has an important role in the process of managing the expectations of all stakeholders, and influencing the willingness and capacity to change. We note that this process has not been currently implemented in most of the organisations that potential attendees of EU law training activities stem from. However, existing efforts directed at training managers and supervisors themselves are expected to foster such change.

Besides, the mindset of the legal practitioners themselves also needs to be taken into account, particularly when they are liberals. In this case, the practitioners are fully responsible for their time and their learning needs. In order to attend a training course, they do not require the approval from their superiors, which could seem a facilitation at first sight. However, liberals assume at their own costs the training activities attended (timewise and moneywise), which could deter them from participating in such activities. In the majority of our interviews with Member State authorities, representatives of associations for justice professionals, training providers and other DGs (DG COMP, DG ENV and DG JUST), we noted a twofold negative perception of time spent on training (but do not know which has the most impact):

- Legal practitioners find they have no time to devote to learning, no or too little time available for training; classroom trainings and exchanges are perceived as highly time consuming as attendees' daily tasks are put on hold (interviewees mentioned that it is already hard to gather participants for the regular learning curriculum, let alone for additional training activities to cover the topics on EU law); TC respondents also acknowledged the lack of time problem (e.g. 47% of TC respondents indicated that they have no time to attend training, hence the Strategy does not correspond to their needs).
- While those responsible for approving applications also consider that there is no time for training activities: interviewees mentioned that courts presidents are not always aware of the added value of training activities regarding EU law, and therefore reject the participation applications of their staff. Many interviewees mentioned that the judges are busy and it is challenging for them to find and award themselves time for training. In Ireland, for example, they are currently operating at crisis level given the lack of judges. They cannot prioritise trainings over court sittings. Not only judges and prosecutors but also bailiffs and notaries seem to be overloaded with work; also with these target groups, it seems to be difficult to gather people for learning courses (in addition, French training providers expressed their difficulties to convince bailiffs of the importance of EU law

training because they usually not deal with cross-border dossiers).

Nevertheless, interviewees from a couple of Member States (e.g. Bulgaria, Germany) indicate that the attitude of their court and prosecution officers towards dedicating time to training activities has improved since the adoption of the Strategy. These interviewees could notice since then a more positive attitude towards participation in training activities.

- The exchange programme for presidents of courts, put in place by the EJTN in 2017 was put in force also in order to help to change attitudes regarding the importance of training activities.

There are also interviewees, including stakeholders in Cyprus, who mentioned that their judges did not need to participate in training activities regarding EU law but must do so for 2 days per year since the Strategy is in place.

Other interviewees noted that they have more diverse offering such as classroom training, briefing sessions and seminars, since the Strategy exists.

### Continuity of network

From a learning expert opinion, we can say that the continuity of networks is an important external factor in the lasting effect of the Strategy. These networks give their members the possibility to connect with each other, share best practices in managing training needs and keep the discussion alive regarding the importance of EU law. The input and best practices shared within these networks are important since they might be an inspiration for other Member States. There are numerous networks but the one mentioned by a large amount of interviewees is EJTN. Training school members clearly benefit from the expertise of EJTN, which some of the stakeholders interviewed refer to as their 'window to Europe'. Interviewees representing judges and prosecutors mention they use the training materials from EJTN but they also use EJTN as an inspiration for the creation of their own EU law training activities, and for inviting cross-border influencing speakers. Other networks that were mentioned during the interviews were EPTA, the CNUe and the UIHJ.

This is also in line with the results of the TC: 53 % of the TC respondents indicated that national thematic networks of legal professionals are extremely (28%) to very (25%) useful. The importance of **bringing together training providers and existing networks** (on a yearly basis, in order to allow for cooperation and creation of partnership as done by the European Commission's yearly conferences) was also underlined by the participants of the workshop. An important remark that was made there is that there is no need for further networks but there is room for improvement regarding communication and coordination of the existing networks.

## 4.5.2 Lasting effect of the implementation of the Strategy on its direct target audiences and other main stakeholders

The second evaluation question regarding the lasting effect of the Strategy will be answered addressing the topics of: the training offer at national and EU level, the knowledge of, attitude towards and use of EU law, and the level of mutual trust and cooperation between justice professionals in the Member States.

### 4.5.2.1 The training offer at national and EU level

Looking at the training offer at national and EU level, the results of the TC show that 39% of the respondents can see an extremely lasting to very lasting effect of the Strategy in their training offer on EU Law.

These results are confirmed by the findings of our interviews. Different training providers and authorities at the national level do indeed say that the Strategy made it possible to enlarge their learning offer on EU law and have an increased number of learning formats with an EU dimension. Not only is the financial support of the relevant EU funds responsible for this increase, but also a shift in the mindset of Member State authorities and representatives of associations for justice

professionals. Interviewees mentioned that the Strategy facilitates a higher level of understanding the importance of EU law training and more visibility of EU law training. Hence, interviewees noted that they include EU law training in their national curriculum (either as a separate subject or included in already existing courses) to a greater extent thanks to the Strategy. For example, the Strategy triggered a political interest in Cyprus concerning judicial training. That is also the case for Hungary and Germany, where the Strategy managed to raise some awareness on the importance to train legal practitioners.

An important topic to take into consideration in this regard is the question whether the Member States use the Strategy in setting their national learning offer. There are many differences in the way Member States use the Strategy as an inspiration for setting their national training offer. A few national training providers and Member States authorities consider the Strategy as being an inspiration for the creation of their learning curriculum. They use the priorities set by the Strategy as an inspiration and combine it with the needs assessment or their own judgement on important topics to absorb in their curriculum. This is the case for example of Austria and Slovakia for notaries, and Slovenia for its Ministry of Justice. For the rest of interviewees, the Strategy provides a general concept of EU law training upon which they build their curriculum.

#### 4.5.2.2 The knowledge of, attitude towards and use of EU law OR the effects of training on EU law

Other aspects of assessing the lasting effect of the Strategy on its direct target audiences and other main stakeholders are the level of knowledge on EU law, the change in attitude towards EU law and the use of EU law after the implementation of the Strategy.

EU law will not be used if the knowledge on it is lacking and/or the attitude towards EU law is negative, nor if legal practitioners do not see the added value of increasing their knowledge in EU law or the use of EU law. In order for the Strategy to be sustainable, legal practitioners should have knowledge on EU law and the right attitude in order to use EU law. They must be willing to learn new insights on EU law and apply what they have learned.

##### **Knowledge of EU law**

As explained in Section 4.1 on Effectiveness, the Strategy has contributed to increase the number of training activities as well as the knowledge of legal practitioners on EU law. Taking into account the perception of the stakeholders and respondents to the questionnaires, the increased level of mutual trust and the improved functioning of the cross-border procedures, we can say that the knowledge on EU law has increased since the implementation of the Strategy. There are differences between legal practitioners in the Member States, but most of the interviewees mentioned that the knowledge of EU law of legal practitioners has increased over the years. Interviewees in some Member States see this increase especially with their younger practitioners since more EU law is integrated in initial training. Results from the OPC shows that 60% of the respondents have to some extent (32.7%), to a large extent (20.3%) and to a very large extent (6%) have knowledge on EU law. Amongst the legal practitioners having a lack of knowledge on EU law, the main reason pointed out by the respondents to the TC (47%) is the lack of understanding of the relevance of EU law for their daily practice.

Knowledge on EU law is therefore increasing amongst legal practitioners, ensuring that they correctly apply EU law. This indicates that the Strategy is sustainable and is having a long-standing effect on its target audience, as legal practitioners are keeping improving their knowledge and correctly apply the EU law.

##### **Attitude towards EU law**

The above finding brings us back to the importance of attitude towards EU law. As mentioned earlier above under section 4.5.1.2 ('Time of training seen as an investment'), the mindset of the legal practitioners is crucial. If they do not perceive the benefits of training for their daily work, chances are rather rare that they will use the concepts they have learned, regardless of their level of knowledge. Two thirds of TC respondents considered to some, large or great extent a change in

attitude towards EU law. This finding is also supported by the interviews. Most of our interviewees mentioned a large or some improvement in attitude towards EU law of their legal practitioners. They could furthermore see a large change in the awareness of legal practitioners, as they seem to realise the importance of EU law. We can say that the Strategy has succeeded overall in raising the awareness of the justice professionals.

The awareness on the relevance of EU law is increasing amongst legal practitioners, who are now more interested by training activities in the matter. This positive attitude and interest for EU law related training ensures the sustainability of the Strategy, which is having a long-standing effect on its target groups.

### Use of EU law

Based in the OPC results, 85.6% of the respondents said they remember having subsequently used in their daily work the knowledge acquired during an EU law training. Interviewees indicate that because of an increase of knowledge and a change in attitude towards EU law (training) they also noticed an increase in the use of EU law in the daily work of the legal practitioners.

The level to which EU law was used before the implementation of the Strategy and the level to which EU law was used after the implementation of the Strategy was measured in the baseline. We can see an increased level of recognition of EU law and enforcement of cross-border judgements after the implementation of the Strategy. We cannot say, however, to what extent it has increased. Legal practitioners seem to be more familiar with EU law and EU law instruments, and therefore we can state that they implement it more, but again we are unable to determine to what extent.

Therefore, we can conclude that legal practitioners are increasingly using EU law since the Strategy was adopted in 2011.

Overall, we can conclude that the knowledge of, attitude towards and use of EU law has positively evolved since 2011. These three factors are allowing a long standing effect of the Strategy in its target audience.

## 4.5.2.3 Mutual trust between justice professionals in the Member States

Regarding the level of **mutual trust** between justice professionals in Member States where interviews were conducted, both ministry authorities, training providers and representative associations for justice professionals indicated that they could appreciate some or large improvement. Most of the interviewees noticed that cross-border cooperation improved significantly in comparison with the situation before the Strategy. In fact, before the Strategy, some Member States had no or few possibilities to have contact with their peers from other Member States. Based on the interviewees' opinion, the Strategy has created an area where legal practitioners (mainly judges, prosecutors, and notaries) are be part of the EU judicial culture and share best practices with each other while participating in cross-border training activities. Because of the Strategy, notaries for example were able to combat cross-border coordination problems. The Strategy was key to ensure a fluid and smooth contact between notaries across Member States, improving cross-border coordination. Smaller jurisdictions in particular can see a significant increase in the level of mutual trust. They did not have the same possibilities before the Strategy to interact with other jurisdictions. A reason for that is a change in mindset on the one hand and increased financial opportunities due to the Strategy on the other.

EU cross-border activities and specifically all activities organised by the EJTN seem to help increase the level of mutual trust. Interviewees indicate how much they appreciate the chances EJTN offers them to take part in conferences and workshops where they can meet their counterparts from other Member States, share best practices and learn their legal practices (e.g. what are the foreseeable consequences of Brexit in specific areas of EU law). Also during the workshop, face-to-face activities were stated to be the best format for building mutual trust.



Many interviewees, as well as our workshop's participants, stressed the **benefits of face-to-face contacts** between practitioners from different Member States. They ensure sustainability via their cross-border meetings and congresses, multi-cultural meetings and international trainings but also through exchange programmes. It is very clear that most interviewees can see the added value of these cross-border initiatives and are very pleased that they can participate or organise them more easily than before the Strategy (due to a change in mindset and increased financial opportunities).

As illustrated in Table 5 on Number of judges and prosecutors participating in exchanges (2011-2017) in Section 3.4.2.1 ('EU law training activities and participants'), there was an increase in participants for exchange programmes. For example, the AIAKOS Programme grew from 26 participants in 2011 to 926 participants in 2017. This was confirmed by a majority of the interviewees, who noted that there was a lot of enthusiasm and an increased participation by legal practitioners in the exchange programmes. Due to the Strategy, mutual trust has been increasing and Member States are more willing to work together. Interviewees in particular underlined the high quality of the exchange programmes of the EJTN.

Important to note here is that some Member States distinguish between new legal practitioners and the more experienced ones, especially in the case of judges. As for newly appointed judges, interviewees see it more appropriate to let them participate in stakeholder networks and conferences because they do not yet have the experience needed to make the most out of the exchange programmes. However, the more experienced judges who are already specialised have the need for a deep dive into the details in a given area of law, and on a practical level. Interviewees believe that the exchange programmes are very educational to do this deep dive.

When looking in detail at the received information on the participation in exchange programmes, we find that judges and prosecutors are the main legal practitioners benefiting from exchange programmes as EJTN targets these two groups. In Belgium, the participation to the AIAKOS programme is even mandatory for new judges and prosecutors. In addition to the exchanges organised via EJTN, different Member States organise exchange programmes also for other legal practitioners, such as their lawyers (although not as often as for judges/prosecutors).

## 4.6 Relevance

The relevance evaluation criteria looks into the needs and problems of the target groups, and assess to what extent the Strategy has contributed to address them.

Overall, the Strategy appears to be **relevant to legal practitioners' training needs**. Training on EU law is considered key for the legal practitioners due to the increasing personal and business interactions among EU citizens and businesses, and the consequent cross-border proceeding requiring a good knowledge of EU law.

The majority of respondents to the 2018 consultation and of stakeholders interviewed have deemed relevant the current **objectives** of the Strategy. Nevertheless, it was found out that there is still room for improvement by tailoring for example the objectives to the different target groups.

Concerning the **learning formats**, exchanges are especially appreciated and relevant to the needs of legal professionals. E-learning is also appreciated by legal professionals but is still underused.

As for the **topics**, the Strategy has been able overall to address new topics and needs, mainly through the Justice Programme. Stakeholders indicated that the Strategy could reinforce training on some topics (e.g. human rights) and encompass more, such as cybercrime and terrorism.

In terms of its **target groups**, initially adopted in 2011, the Strategy focuses on all legal practitioners, giving priority to judges and prosecutors. Since its adoption however, the understanding of the Strategy's scope has evolved, including now for example, prison and probation officers, illustrating the increased relevance of the Strategy. The Strategy targets differently each of the stakeholders groups in order to accommodate their training needs.

The **geographical scope** of the Strategy is still relevant.

## 4.6.1 The need for support to EU law training

We observe that there is a clear need for the Strategy's contributions to judicial training. Below we substantiate this via discussing this need for training on EU law, on the law of other Member States, on legal terminology on a foreign language, as well as the role of the EU in judicial training.

### 4.6.1.1 Training on EU law

As the Strategy supports judicial training on EU law with a view to boosting knowledge of EU law among legal practitioners, it is useful to ask whether according to practitioners the uneven level of knowledge among Member States sparks any problems. That is the case for 32.2% of the respondents to the OPC, while 13.4% consider that no problems are stemming from the differences in knowledge of EU law (the remaining respondents indicated 'I do not know'). We note however that increasing personal and business interactions among EU citizens and businesses, involving increasing number of CJEU judgements, require of high level of knowledge of EU law to ensure a smooth judicial cooperation.

When asked whether they considered that their profession needed training on EU law, EU judicial cooperation instruments (or law of other Member States), 88.8% of the respondents to the OPC considered that their professions needed training on these. This need is especially relevant when legal practitioners are involved in cross-border cases or judicial cooperation. In this sense, 65.4% of the respondents to the OPC considered that these professionals have specific training needs on EU law. The need for training on EU law differs across legal practitioners, and not all professionals need to be trained to the same extent. The different training needs, and the activities conducted under the Strategy to address them, are further explained in section 4.6.2.4 ('Target groups covered').

Knowledge of EU law is perceived as a key aspect of the career of legal practitioners. There is a consensus on the need for training on EU law since the beginning of a practitioner's career. In addition, 46.3% of the respondents to the OPC consider that knowledge of EU law should be a **prerequisite at different times of the career of a justice professional**. Changing speciality or sector (e.g. from family law to criminal law) or becoming a team leader (e.g. president of a chamber or head of public prosecution office) were also identified as potential stages where training on EU law is be regarded as a prerequisite.

### 4.6.1.2 Training on the law of other Member States

The Strategy considers training on the law of other Member States crucial in order to ensure mutual recognition of judicial decisions, a smooth cooperation between judicial authorities and the execution of decisions. Furthermore, it also considers necessary to build mutual trust between the Member States.

The relevance of this need has however decreased over the years. Based on the OPC results, 34.6% of the respondents do not consider training on the law of other Member States as a need of their profession. The expert group acknowledged that the 2011 Strategy should not have put at the same level training on EU law and on the law of other Member State, as the focus should remain on the first<sup>300</sup>.

This trend has also been reflected in the number of training activities covering the law of another Member States. As illustrated in the table below, the proportion of this type of activities has significantly diminished.

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<sup>300</sup> Expert group on European judicial training, Minutes of the meeting of Monday 18 December 2017.

*Table 24: Percentage of training activities on law of other Member States*

Years	2012	2013	2014	2015	2016
% of training activities on law of other Member States	4.4%	3.6%	4.8%	4.7%	3.1%

Source: Deloitte based on the AJTRs

### 4.6.1.3 Training on legal terminology

Training on legal terminology is perceived as a relevant training need amongst legal practitioners. As seen in Section 3.4.1 (Data on the baseline) above, 76.2% of the respondents to the OPC considered that the **lack of language skills** was a barrier when it comes to working with peers of another Member State.

Language skills are indeed an important tool to ensure smooth judicial cooperation. Many respondents considered that knowledge of additional languages is increasing and helps understand cross-border decisions and foreign law. The vast majority of respondents indicated that this language should be English, however French and German were also mentioned as cross-border working languages among Member States' legal practitioners. In addition, 48.8% of OPC respondents thought that there should be a **prerequisite** for the appointment to some professions of justice regarding **knowledge of a foreign language**.

It is noteworthy to mention, however, that training on language skills is a **national competence**, and is thus out of the scope of the Strategy (which currently focuses on training on legal terminology of a foreign language). As pointed out by the expert group, training on language skills could be foreseen, but "it is really a national responsibility to ensure that justice professional have a sufficient proficiency in English"<sup>301</sup> (or any other language facilitating cross-border communication). The language barrier is likely to decrease in the future, as younger generations with improved language skills are expected to join the legal professions.

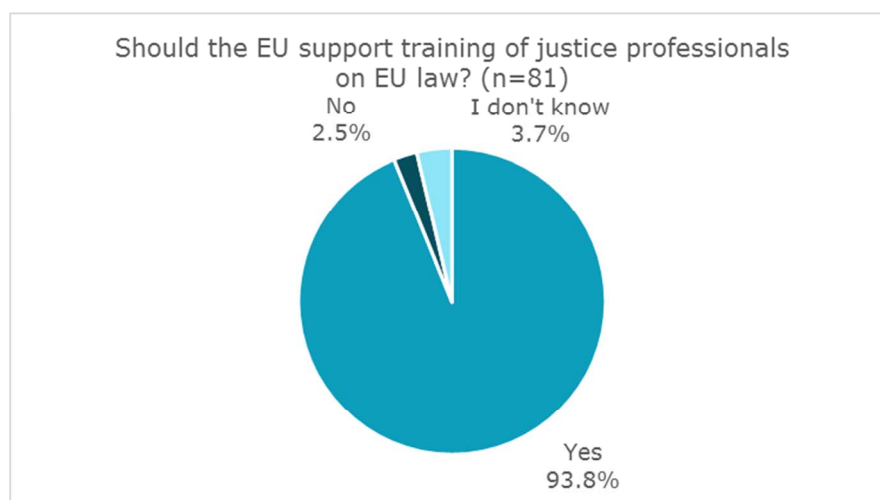
### 4.6.1.4 The role of the EU in judicial training

When it comes to the role of the EU in the field of judicial training, the TC shows that respondents perceive the EU as a key player in this domain.<sup>302</sup> As showed by the graph below, 93.8% of 81 respondents indicated that the EU should provide support to training activities for justice professionals, with only 2.5% answering in the negative. This data suggests that at least some EU involvement is perceived as necessary in the first place, which leads to conclude that the introduction of an EU Strategy on judicial training was a relevant policy choice, taking into account the stakeholders' needs.

<sup>301</sup> Ibid.

<sup>302</sup> TC, Means and actors of the European judicial training strategy, Question 30.

Figure 23: Relevance of the EU role in supporting judicial training according to TC respondents



Source: Targeted consultation of the European Commission, visualisation: Deloitte.

If almost all respondents thought that the EU should be involved in fostering judicial training on EU law, results are less clear-cut on to the means the EU should use to perform its supporting role.<sup>303</sup>

The great majority of the respondents (94.6%) agreed on the need for the EU to provide financial contributions in the area of judicial training. This result is consistent with answers from our fieldwork activities and interviews in all Member States. A clear majority of respondents deemed necessary to promote training methodologies (63.5%), encourage cooperation between training providers at EU level (62.2%), provide guidelines and handbooks covering specific areas of EU law (60.8%), improve the training section of the European e-Justice Portal (55.4%), and promote awareness about EU judicial training among relevant stakeholders (52.7%). Only a minority indicated that the EU should foster judicial training through political support (37.8%) and through year-by-year monitoring activities (28.4%), though 56.8% agreed that there should be a yearly monitoring system to follow the implementation of the European judicial training strategy.

These answers suggest that respondents link the importance of the EU involvement mainly to practical measures, primarily funding, but also provision of methodological support and materials. By contrast, respondents tend to consider periodical oversight and political commitment as less of a prerogative for EU institutions, while the political incentive created by the EJTS was praised as one of the main benefits of the Strategy as mentioned above.

The issue of cooperation between training providers at EU level deserves particular attention. As for the findings of the TC, a clear majority of respondents consider cooperation between training providers at EU level as important<sup>304</sup>, which includes participation in EU-level networks on judicial training. The role of the EU in coordinating training providers was recognised as vital for two main reasons. First, EU-led cooperation streamlines and improves the quality of the training offered by ensuring that training providers of each target group share best practices among themselves, and by making sure that their training offers do not overlap. Second, cooperation helps practitioners improve their understanding of the judicial systems of other Member States, which in turn increases mutual trust among practitioners across the EU.<sup>305</sup>

Furthermore, it is worth noting that EIPA suggested involving independent European training providers and national providers in the design of targeted training programmes.<sup>306</sup> Additionally, EIPA calls for enhanced coordination and task-management plans among providers in different

<sup>303</sup> TC, Means and actors of the European judicial training strategy, Question 31.

<sup>304</sup> TC, Means and actors of the European judicial training strategy, Question 22.

<sup>305</sup> TC, Summary of replies, p. 20.

<sup>306</sup> TC, Summary of replies, p. 10. According to EIPA's spokesperson, "there remains a need for vigilance (a) to reduce the risk of centralising support for judicial training through a few European level networks and (b) to encourage the active involvement of national training organiser / providers as well as independent European level training providers in development of training programmes that meet specialised needs, which are difficult to fit into a standardised programme."

Member States operating at different levels, thus showing that it considers cooperation as a crucial dimension to the implementation of the Strategy.

The above results show that the majority of stakeholders look at the EU as a crucial driver of support to training on EU law for a wide range of legal practitioners. Therefore, the creation and implementation of an EU Strategy in this field can be considered as relevant.

## 4.6.2 Extent to which the Strategy is still in line with the needs

In this section, we analyse the extent to which the Strategy is still in line with the needs of legal practitioners. Overall, stakeholders are of the view that the Strategy correspond to their training needs in relation to EU law to a good extent. However, stakeholders identified some gaps in the implementation and scope of the Strategy. In the following sections, we will highlight the main successes and shortcomings using the results from the TC and the OPC as well as statements from the conducted interviews and from the validation workshop.

As mentioned in Section 4.1.1 ('Achievement of the operational objectives'), the Strategy seems to have been welcomed by the stakeholders and thought to address to a good extent the training needs of legal practitioners. Based on the results to the TC, 55.9% of the respondents to the TC have a positive view of the Strategy's ability to cover the main gaps of practitioners' training needs.<sup>307</sup>

A closely related question is whether the Commission took into account the existing situation of judicial training to a satisfactory extent when planning the objectives of the Strategy. The answer to this question gives us input on how the initial design of the Strategy was relevant to **address specific training needs** in relation to EU law.<sup>308</sup> Here, answers to the TC, displayed in the graph below, show a more statistically significant outcome than it was the case in the previous question. Indeed, the share of respondents who did not have a view on the Strategy's relevance in relation to EU law dropped to 16.1%, which increases the weight of the rest of the respondents' answers. In addition, the already positive stance towards the Strategy is even clearer from this question, as 67.6% of the respondents found the Strategy to be at least relevant to their EU law-related training demand, and as many as 46% found it to be very and extremely relevant. 16.2% of respondents had a negative view of the Strategy's relevance. One example can be found in Estonia, where the category of lawyers did not believe that the Strategy's scope addressed their training needs<sup>309</sup>.

Figure 24: Relevance of the Strategy in relation to EU law training needs



Source: 2018 Targeted Consultation of the European Commission, visualisation: Deloitte

<sup>307</sup> TC, Scope of the European judicial training strategy, Question 1.

<sup>308</sup> TC, Results of the European judicial training strategy, Question 5.

<sup>309</sup> Results of our phone interviews in Estonia.

Some respondents added comments to their answers. Moreover, opinions are also available from national stakeholders contacted during our fieldwork activities and phone interviews. In general, those who **thought that the Strategy was able to tackle the main training needs** among the justice professions, the major strengths appear to be the following:

- The **wide range of legal areas** identified as priorities by the Strategy, and addressed in practice by training activities. Respondents also were of the opinion that the Strategy has been attentive to the evolution of their training needs, allowing for example targeted training in data protection law, asylum law and labour rights;<sup>310</sup>
- **Training formats** such as e-learning, practice-oriented lectures and judicial exchanges were particularly appreciated;<sup>311</sup>
- The **objective of training half of the legal practitioners by 2020**, which was perceived as being necessary and realistic by some respondents.<sup>312</sup>

The subsections below present more in detail the relevance of the Strategy in terms of its objectives' scope, learning offer, topics covered, target groups, and geographical scope.

#### 4.6.2.1 Scope of the Strategy's objectives

Even though the Strategy was deemed relevant by the majority of respondents to the 2018 consultation and of stakeholders interviewed, the discussion above highlighted some room for improvements as to the **scope of the Strategy's objectives** and the method used to identify them.

A clear majority (71.4%) of respondents to the 2018 TC thought that new objectives should come up in the future European judicial training strategy, while only 3.6% of them thought that the current objectives should not be updated in any way.

Concerning the **nature of the objectives** that the next Strategy should focus on (i.e. whether only quantitative<sup>313</sup>, only qualitative<sup>314</sup>, or both), a striking majority was of the opinion that both types of objectives should be updated under the next Strategy.<sup>315</sup>

As of the number of **objectives**, according to a minority of respondents (15.8%) the next Strategy should encompass one single set of objectives (one-size-fits-all approach). Indeed, an overwhelming majority of 73.7% of the respondents to the 2018 TC thought that the next Strategy should formulate objectives specific to each target groups. The reasons for differentiated objectives lie in the non-homogeneous training needs and approaches that each target group exhibits in their daily practice. For example, stakeholders indicated that judges and lawyers often deal with the law in very different fashions, and do not often need to know every topic with the same level of depth.<sup>316</sup>

Two related suggestions concerning the differentiation of objectives come from our fieldwork activities and interviews. Firstly, some stakeholders (in Finland, Ireland and The Netherlands) opined that the next Strategy should be designed in such a way as to take into account similarities and specificities of the legal systems of Member States – e.g. whether Member States belong to the civil law or common law tradition. Secondly, some stakeholders interviewed in Germany expressed the view that, while the EU should be in charge of identifying the legal areas to be covered by cross-border training, each Member States should then be free to decide which target groups should benefit from cross-border training in specific legal fields. This is because the same target group at EU level may include practitioners whose functions and needs differ across Member States.

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<sup>310</sup> TC, Summary of replies, p. 9.

<sup>311</sup> Results of our fieldwork activities in France, recommendations by the French Judicial School.

<sup>312</sup> TC Summary of replies, p. 9.

<sup>313</sup> Quantitative objectives refer to mere numerical targets in terms of trained practitioners, training activities, or legal areas falling within the Strategy's scope

<sup>314</sup> Qualitative objectives refer to measureable impacts of the Strategy on the daily work of legal practitioners, and to the satisfaction of those taking part in training activities.

<sup>315</sup> One respondent stated that the new quantitative objective should be training all the legal practitioners who deal daily with EU law by 2025.

<sup>316</sup> TC, Summary of replies, p. 11.

## 4.6.2.2 Learning offer

Concerning the training offer, individual legal professionals as well as training providers expressed the need for more diversified learning across groups of professionals and countries. This represents the view that the training demand is so diverse, that specialised, ad-hoc programmes should be elaborated to take into consideration the diverse needs of different types of stakeholders. Moreover, technological developments have also impacted training activities. The Strategy identified the potential role of technology in support of training by reaching more end-users and addressing the time constraints faced by legal practitioners. On the one hand, EJTS considers the European e-Justice Portal as a reference tool in the context of judicial training, a one-stop shop where legal practitioners can find information in 23 languages. The Commission states that such tool will be further developed in order to provide additional information on judicial training (e.g. information about training providers, training events, high quality training material, easy access to legal databases).

On the other hand, during our fieldwork activities and phone interviews, as well as in the OPC and TC, many respondents shared the view that the offer of **learning formats** used during training activities needs to be addressed. In particular, both the Commission and stakeholders reached through interviews and consultations acknowledged the relevance of **e-learning** courses. As already mentioned in Section 3.5.2 ('Data on the current situation'), 41.5% of the respondents to the TC benefited from e-learning tools during EU law training.

Overall, e-learning appears to be an appreciated, although still underused, format. Only a minority of TC respondents, around 1/5, mentioned e-learning as one of the learning formats best suited to provide training on EU law.<sup>317</sup> This training activity is indeed differently appreciated across generations and legal practitioners. While more experienced legal practitioners do not feel very comfortable with using new technologies, younger generations are open to them for their training activities. In terms of target groups, lawyers seem to be particularly keen on using e-learning due to their reduced availability to leave the office. Although judges usually also have significant workload, they are not that familiar with the use of technologies, and therefore prefer face-to-face training activities.

The Commission has successfully produced a number of materials promoting the use of innovative training methodologies, including e-learning. Indeed, 67.7% of TC respondents indicated that the Strategy has succeeded to some extent in promoting the development of e-learning. Besides, from our fieldwork activities and phone interviews, it turned out that stakeholders in several Member States (e.g. bar associations in Austria, prosecutors in Finland and Slovenia, national authorities in Germany, clerks in Romania, notaries in Belgium and Slovenia) look at the promotion of e-learning as one of the priorities suggested for the next Strategy<sup>318</sup>. However, stakeholders also pointed out the need to balance the promotion of e-learning with the acknowledgement of the relevance of face-to-face interactions. While the first provide quick, accessible, reliable information to legal practitioners who are short of time or unable to travel for a training in another location, the latter allows for direct interactions between participants, contributing to the built of mutual trust.

Besides e-learning courses, additional training formats have flourished, such as videoconferences, podcasts, webinars, and live streaming. These technological advances are encountering, however, some challenges such as the age gap<sup>319</sup> or the lack of equipment in some Member States.

Another area of interest concerns **cross-border activities**. As is apparent from the figure below, 50.3% of the respondents said that cross-border or transnational training activities are available to the relevant profession. This is in line with the success of judicial exchanges for judges and prosecutors, as illustrated in Table 5 ('Number of judges and prosecutors participating in judicial exchanges (2011-2017)'). Significantly, however, one third of the respondents of the 2018 OPC reported that no activity of a transnational nature is available to them. It is noteworthy to mention though, that not all legal practitioners actually need cross-border activities. For example, court

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<sup>317</sup> TC, Summary of replies, p. 6.

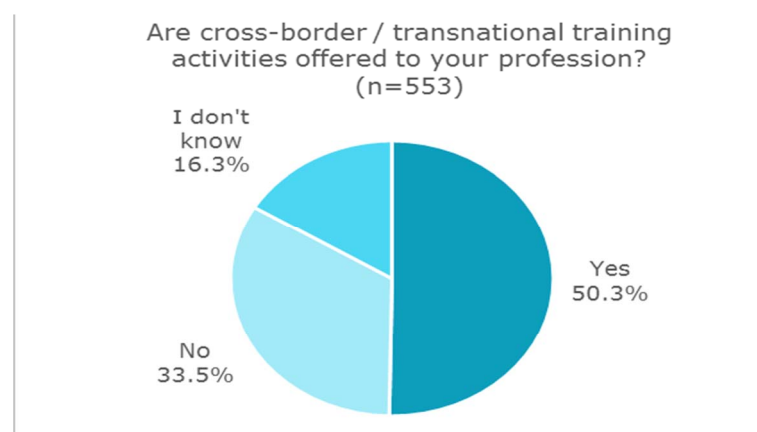
<sup>318</sup> Minutes from our fieldwork activities and phone interviews in the Member States.

<sup>319</sup> Based on our data collection activities, more experienced legal practitioners do not feel as comfortable with new technologies as the younger generations do. See for example : Richards, D., Learning to Sentence: An Empirical Study of Judicial Attitudes towards Judicial Training, International Journal for Court Administration, July 2015, Vol.7(1), Utrecht University, Utrecht, 2015, pp. 68-85.

staff in charge of procedural tasks (e.g. filling forms) do not need this type of training activity to improve their performance.



Figure 25: Offer of cross-border / transnational activities



Source: 2018 Open Public Consultation of the European Commission, visualisation: Deloitte

The majority of the respondents, namely 71.8%, have a positive view of cross-border activities to some extent, to a large extent and to a great extent, while only 13.6% of the respondents thought that cross-border activities are not very useful to meet their training needs. This high satisfaction level is consistent with our fieldwork activities and phone interviews, which stressed the importance of meeting practitioners from other Member States in order to enhance knowledge and trust. The usefulness of cross-border activities is widely confirmed by data relating to cross-border exchanges in particular: overall 74.8% of the respondents thought that at least to a certain extent they found some value in such training.

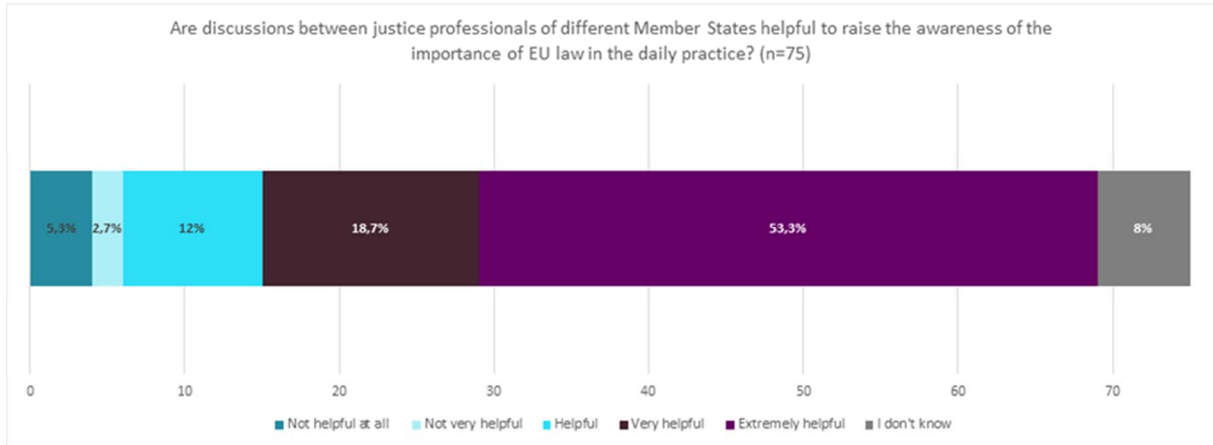
As the national law of many Member States requires the members of certain legal professions to undertake training regularly, participation in cross-border activities triggers the issue of the **recognition by the relevant authorities in the home Member State of training activities undertaken in other Member States**. 53.3% of the respondents to the 2018 OPC answered that training activities taken in other Member States do count to reach the requirements set out by domestic law. That might appear to be a slim majority, but the significance of this data increases if one considers that as many as 27.2% of the respondents were not aware of how cross-border training is recognised in their domestic systems. Moreover, for 9.2% of the respondents such issue was not relevant in the first place. In light of these two latter data, one is led to read the graph as meaning that five respondents out of six confirm that their domestic laws allow practitioners to move to other Member States and undertake training relevant to their internal requirements. Our fieldwork activities and phone interviews are overall consistent with these findings. None of the stakeholders interviewed signalled any significant obstacle to the recognition of training activities attended in another Member State by judges and prosecutors. For lawyers the situation is somewhat less straightforward, but is overall good in any event. Indeed, all Member State provide for the possibility to have training activities attended abroad recognised in the home judicial system. In some Member States (Italy, Belgium, Germany, Luxembourg, Estonia, Spain, Sweden, and United Kingdom) training attended abroad has to go through a case-by-case assessment and is not automatically recognised upon certification. In Spain, in particular, recognition is governed by *ad hoc* bilateral agreements with other Member States.<sup>320</sup> Such mechanisms, however, do not appear to raise particular concerns.<sup>321</sup>

The figure below provides the answers to the question of whether **discussions and talks** between legal practitioners from several Member States help those practitioners realise the importance of EU law in their daily work. Not only is it impressive that 84% of the respondents viewed such discussions as helpful in this respect, but it is also remarkable that the majority of all respondents (53.3%) considered such occasions as extremely helpful.

<sup>320</sup> Results of our fieldwork activities in Spain.

<sup>321</sup> Results of our fieldwork activities and phone interviews in the Member States mentioned.

Figure 26: Importance of discussions between justice professionals of different Member States

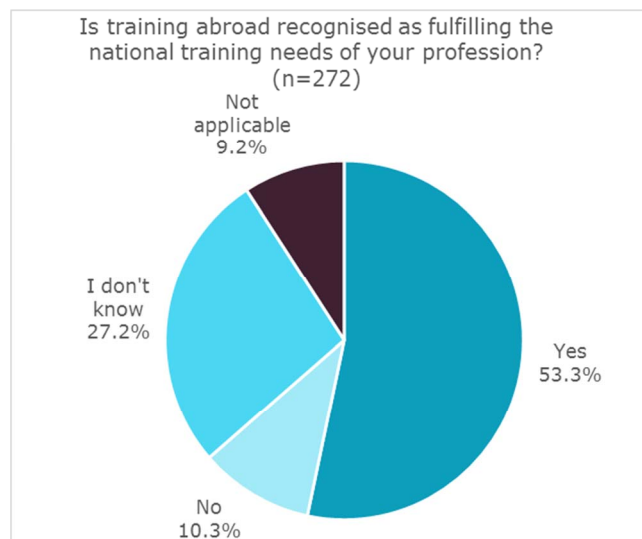


Source: 2018 Targeted Consultation of the European Commission, visualisation: Deloitte

This data suggests that whilst cross-border, face-to-face training activities require proper time management, they are perceived as bringing added value to those who benefit from European judicial training. This is because practitioners are able to share and discuss views, proposals and solutions with their colleagues coming from abroad, and this is perceived as crucially important when dealing with concepts and rules that need to be applied consistently in all the Member States.

Replies to this question have to be considered in conjunction with replies to Question 24 discussed above,<sup>322</sup> which stressed the high importance of EU-level cooperation between training providers as a key driver of cross-border meetings.

Figure 27: Extent to which training abroad fulfils training requirements in the Member State



Source: 2018 Open Public Consultation of the European Commission, visualisation: Deloitte

<sup>322</sup> TC, Means and actors of the European judicial training strategy, Question 24.

### 4.6.2.3 Topics covered

Overall, the Strategy has been able to address new topics and needs mainly through the Justice Programme. As stated in the evaluation of this programme, its operational flexibility enables to easily adapt its annual work programme to cater the emerging needs in the area of justice<sup>323</sup>. The expert group underlined the need to keep this flexible approach in the future.<sup>324</sup>

Even though the Strategy addresses many areas of law, stakeholders expressed the view that the Strategy should encompass **more topics**. 34.4% of the respondents to the OPC considered that some topics were missing from the training on EU law offered to their profession, but this finding does not offer a sharp representation as 47% of the respondents chose not to express an opinion on this issue.

Certain key legislative developments have influenced the progress of European judicial training. We analyse them here, and not under Section 4.3 on Coherence, in order to distinguish between initiatives and policy instruments that inter alia touch upon learning and training objectives (and therefore are designed to work together with EJTS), and initiatives – such as legislation – that pursue fundamentally different objectives but nonetheless affect the evolution of EJTS insofar as they may provide legal practitioners with additional motives for undertaking training – and, as a result, impact on the Strategy’s priorities and relevance.

As influential legislative developments, the interviewees mentioned first the **Regulation in matter of succession** enacted in 2012<sup>325</sup>. Amongst all legal professionals, notaries indicated this legal instrument as having a significant impact on their daily work. The adoption of this legal instrument created thus a training need amongst notaries.

Second, another example for influence by a far-reaching new legal instrument is the adoption and entry into force of the **General Data Protection Regulation**<sup>326</sup>, a significant legal development putting into place data protection rules for all companies established in the EU or outside the EU when offering goods and services to, or when monitoring, individuals in the EU. This new Regulation is thus a game-changer, and legal professionals, in particular lawyers, expressed the need to be trained on it.<sup>327</sup> To respond to this need for legal practitioners, for example, EJTN<sup>328</sup>, ERA<sup>329</sup>, and EIPA<sup>330</sup>, have organised training activities on data protection and privacy rights, while CCBE issued guidance on the compliance with the new legislative framework<sup>331</sup>.

While being traditionally a national regulatory prerogative, **fundamental rights** have become integral part of EU law and the European Courts (i.e. CJEU and ECHR) have been applying them thoroughly.<sup>332</sup> This prompts the questions of whether EU legal practitioners are aware of the importance of fundamental rights in the administration of justice, and whether they need more training on fundamental rights and the rule of law. 66.9% of respondents to the OPC recognised that some gaps in the knowledge of such subjects exist, and therefore thought that practitioners need more training activities focusing on EU fundamental rights and the rule of law. This data is consistent with what came out of some interviews and fieldwork activities described above: in some Member States stakeholders suggested that the Strategy be designed in such a way as to support more training on these subjects. Comments to the consultation stressed the crucial status of fundamental rights (both at EU and international level) in strengthening the rule of law, as well

<sup>323</sup> SWD(2018) 356 final, p. 20.

<sup>324</sup> Expert group on European judicial training, Minutes of the meeting of Monday 18 December 2017.

<sup>325</sup> Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decision and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

<sup>326</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

<sup>327</sup> Minutes from the Workshop on European Judicial Training of 31.07.2018.

<sup>328</sup> EJTN 2017 Annual Report, p. 31.

<sup>329</sup> See : [https://www.era.int/cgi-bin/cms?\\_SID=NEW&\\_sprache=en&\\_bereich=artikel&\\_aktion=detail&idartikel=12805](https://www.era.int/cgi-bin/cms?_SID=NEW&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=12805)

<sup>330</sup> See: <https://www.eipa.eu/dataprotection/>

<sup>331</sup> See [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/IT\\_LAW/ITL\\_Position\\_papers/EN\\_ITL\\_20170519\\_CCB\\_E-Guidance-on-main-new-compliance-measures-for-lawyers-regarding-GDPR.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/IT_LAW/ITL_Position_papers/EN_ITL_20170519_CCB_E-Guidance-on-main-new-compliance-measures-for-lawyers-regarding-GDPR.pdf) for example :

<sup>332</sup> The Charter of Fundamental Rights of the European Union has acquired the same legal status as the EU Treaties as of 2009. As stated in Article 2 TEU, the EU is grounded on common values, including the rule of law.

as the need to address the links between fundamental rights and other areas of law, such as economic law and criminal law.<sup>333</sup>

Based on the results of the OPC, the legal professions needing training on fundamental rights and the rule of law the most are: judges, prosecutors, and lawyers. The judges target group was mentioned by 87.2% of respondents as requiring such training, followed by prosecutors (68.5%), and lawyers (62.1%). However, it is noteworthy to mention that all legal professionals were indicated as needing to participate in EU fundamental rights training activities: from court staff to probation officers.

Members of the 2017 expert group praised the degree of flexibility showed by the Strategy throughout the years that allowed legal practitioners to have access to training activities on new topics. However, the members also highlighted the need for training on new topics. Next to the law of fundamental rights, members mentioned in particular cybercrime and legal topics related to digitalisation (e.g. e-evidence), vulnerable victims in general and children in particular, and anti-money laundering (AML).<sup>334</sup> Stakeholders involved in our interviews also expressed the view that the Strategy is not covering to a sufficient extent certain areas of **criminal law**, namely cybercrime and terrorism. Cybercrime was specifically perceived as an under-addressed topic by stakeholders in some Member States especially in light of the increasing amount of offences committed through Internet-based technologies, along with terrorism.

**External factors** such as international political developments also have an impact on the legal topics perceived as important by legal practitioners and, as a result, on the extent to which the Strategy continues to be relevant in relation to the training needs of the target groups. In this respect, it is important to note that the migration crisis triggered a need amongst legal practitioners, and the demand for **asylum** law-related training activities increased significantly. Training providers were aware of such training need, and delivered activities in that field (e.g. EJTN's course on EU Asylum Law<sup>335</sup> and HELP course on asylum<sup>336</sup>).

Lastly, stakeholders pointed towards the need for more language skills training. Nevertheless, as previously explained in section 4.6.1.3 ('Training on legal terminology'), Member States are the ones responsible to ensure their legal professionals have sufficient proficiency in English, or other language.

#### 4.6.2.4 Target groups covered

A key point of the relevance of the Strategy is the range of target groups covered, and the extent to which the current target groups receive support through the Strategy. In general terms, the Strategy's scope encompassed several target groups (excluding prison and probation officers) as from the very beginning. The scope included judges, prosecutors, court staff members, lawyers, bailiffs and notaries. However, as the 2011 Communication launching the Strategy put particular emphasis on judges and prosecutors, stakeholders in some Member States were of the opinion that the Strategy has not been supporting the training of different target groups to the same extent. The main financial support has been indeed allocated to EJTN's operating grant. However, the central role played by these judges and prosecutors throughout judicial proceedings needs to be taken into account. Their key role in judicial proceedings explains the relevance to train these two justice professionals in all EU aspects in order to ensure the correct application of EU law. This also explains the attention paid and the activities conducted in the framework of EJTS to address their training needs. Two pilot projects were organised targeting judges and prosecutors: one on best training methodologies, and another on cooperation with EU-level associations. Furthermore, judges and prosecutors are the target audience of action grants under the Justice and LIFE programmes.

The Strategy has however also taken into account the training needs of the rest of the target groups as explained below.

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<sup>333</sup> OPC, Summary of replies, pp. 9-10.

<sup>334</sup> Expert group on European judicial training, Minutes of the meeting of Monday 18 December 2017.

<sup>335</sup> See: <http://www.ejtn.eu/Catalogue/EJTN-funded-activities-2018/EU-Asylum-Law-AD201801/>

<sup>336</sup> See: <https://www.coe.int/en/web/help/-/the-help-unhcr-online-course-on-asylum-and-the-european-convention-on-human-rights-launched-in-ankara>

Training **lawyers** in EU law is also key, as in some Member States, they have the responsibility to submit the EU law dimension to the judge, which could not otherwise include it in the proceeding. For that reason, CCBE and EIPA conducted a pilot project on the state of play of lawyers' training in EU law, describing the general organisation of lawyers' training, collecting and analysing data on existing training activities, and developing good practices. Based on these, CCBE and EIPA drafted recommendations for improvement of training activities and development of lawyers' participation in the training activities. In addition, several action grants were provided to cover lawyers' training needs, such as the development of the European Training Platform, a pilot exchange programme for lawyers, a project to improve mutual recognition of training. However, as mentioned by CCBE and different national bar associations, the training offer for lawyers is still not sufficiently developed. In the same vein, the expert group indicated that lawyers' training on EU law could be further improved<sup>337</sup>.

**Bailiffs** are also covered by the Strategy. They do not, however, need to be trained to the same extent as judges, prosecutors or lawyers. This is due to their training needs, which are more specific and narrower, mainly regarding the enforcement of judicial decisions. They still need to be targeted by the Strategy in order to ensure they are correctly applying EU law in their daily tasks. This is ensured by the action grants targeting this legal profession under the Justice Programme.

As for **notaries**, although they are less involved in judicial activities than the rest of stakeholders mentioned above, they have some competence in the judicial field, including both civil and criminal law, which also contributes to the implementation of EU law. It is therefore relevant that the Strategy covers these legal practitioners. As for the bailiffs, the training needs of notaries are also addressed through the Justice Programme, and the operating grant under the same programme allocated to CNUE.

The **court staff** needs were mentioned several times as being not sufficiently addressed by the Strategy. The Commission has organised several activities targeting exclusively this category of legal professionals. A pilot project was conducted on the state of play of court staff training in EU law<sup>338</sup>. Besides, the first conference dedicated exclusively to the training of court staff and bailiffs was organised in 2015<sup>339</sup>. As a result of the conclusions of this conference, the Justice Programme specifically included court staff training as one of its priorities as of 2016<sup>340</sup>. Beyond quantitative concerns, stakeholders pointed mainly towards qualitative issue. The term "court staff" encompasses many subcategories of personnel, which are responsible for different tasks and, as a result, have diverse training needs on EU law or the law of other Member States<sup>341</sup>. Stakeholders in Poland and Hungary amongst other expressed the view that the Strategy managed to trigger political interest on court staff training, but fails, as it stands, to address these specificities. Court staff need much more training offer especially in so far as some activities usually performed by judges and prosecutors are being progressively assigned to judicial and court staff<sup>342</sup>. Comments from the 2018 EJTS validation workshop organised by Deloitte also expressed the view that training for court staff has to be tailored to their usual administrative tasks<sup>343</sup>. From these comments, it followed that joint activities between court staff members and other categories were not encouraged, although some respondents to the TC suggested that the full inclusion of court staff should also lead to more joint training with judges and prosecutors. This would only be relevant, however, for those court staff with quasi-judicial tasks. For the other court staff dealing with procedural tasks would still need training on EU law (e.g. on the forms to fill in under the different legal instruments), but not necessarily with judges and prosecutors nor cross-border activities.

Stakeholders also regretted that the Strategy was not initially designed to specifically address the needs of **prison and probation officers**<sup>344</sup>. Many stakeholders stressed the importance of

<sup>337</sup> Expert group on European judicial training, Minutes of the meeting of Monday 18 December 2017.

<sup>338</sup> See: [file:///C:/Users/mderamon/Downloads/Lot3\\_final-report-Reco\\_EU\\_en.pdf](file:///C:/Users/mderamon/Downloads/Lot3_final-report-Reco_EU_en.pdf)

<sup>339</sup> See: [https://europa.eu/newsroom/events/conference-european-cooperation-judicial-training-court-staff-and-bailiffs\\_en](https://europa.eu/newsroom/events/conference-european-cooperation-judicial-training-court-staff-and-bailiffs_en)

<sup>340</sup> See Annex to 2016 Annual Work Programme Justice Programme, p. 17.

<sup>341</sup> TC Summary of replies, p. 10. The most mentioned types of court staff are the following: court wardens and technical staff, assistants for judges and partially independent clerks taking judicial decisions, in particular in the area of registers and execution of judgements.

<sup>342</sup> OPC, Summary of replies, p. 10.

<sup>343</sup> Minutes from the validation workshop of 31.07.2018.

<sup>344</sup> TC, Summary of replies, pp. 9, 13, 25.

involving prison and probation staff within the scope of the EJTS as they do have training needs on EU, e.g. de-radicalisation, detention conditions. External factors and international developments have recently pushed towards extending the focus of the Strategy on prison and probation officers as well. Migration together with terrorism and radicalisation were pointed out as the major trends impacting the EU in recent times. Terrorism and radicalisation had a particular impact on prison and probation staff. As a result, the Justice Programme issued two calls in 2016 to combat the radicalisation leading to terrorism and violent extremism in prisons in order to address their training needs. Therefore, prison and probation officers were included in the scope of the Strategy as of 2015. Despite occurring after the beginning of the Strategy, the expansion of the scope can be deemed as a factor increasing the relevance of EJTS in relation to the training needs of legal practitioners.

Although **mediators** are not specifically mentioned in the Strategy, they are considered as part of its scope. The Commission annually collects data concerning this category of legal practitioners but does not include it in the AJTR due to the varying differences in terms of tasks across Member States. It is however relevant for them to be included in the scope of the Strategy in order to ensure they are correctly implementing the EU law.

**Court interpreters and translators** are not specifically included in the Strategy either, but they are however contributing to the implementation of EU law. Thus, they need to be trained on EU law, particularly on legal terminology. Several action grants have been issued under the Justice Programme targeting this specific stakeholder group.

In addition to the stakeholders mentioned above, respondents to the consultations mentioned a number of **additional categories** of practitioners, which, although not being included among the Strategy's target groups, would nonetheless need EU law training: staff of ministry of justice, ombudsmen, auctioneers, labour inspectors, people training to become a judge or a lawyer, doctors, asylum officers, staff members of civil society organisations providing legal aid and representation to individuals, staff representatives, staff of national human rights institutions, staff of land registrars, law practitioners working in companies. Moreover, as a way to respond to the migration crisis, in its 2015 Agenda on Migration,<sup>345</sup> the Commission called for training not for asylum officials and also for other target groups, such as managers working in the area of asylum and international protection, and legal officers throughout the EU.<sup>346</sup>

A minority of the respondents to the TC (22.8%) thought that training of these new professionals should take place at local level. Despite being underrepresented compared to the respondents having selected the national (36.9%) and EU (36.6%) levels, this number is still significant and shows that according to almost one quarter of respondents training organised at a sub-national level would be optimal.

#### 4.6.2.5 Geographical scope

The strategy currently focuses on EU Member States, and indicates that the Commission will assess how to promote the participation of candidate, potential candidate and neighbourhood countries to European judicial training projects. Based on the findings of our desk research and interviews, it is found that the Strategy has promoted the participation of these countries in European judicial training activities. For example, EJTN welcomed to its network as observers the following countries: Albania, Bosnia and Herzegovina, Macedonia, Montenegro, and Serbia, amongst others. In addition, these countries also benefit from EU financial support, mainly under IPA.

Our interviewees supported the majority view of TC respondents appreciating the current framework of the Strategy's reference to candidate, potential candidate and neighbourhood countries. The majority of the respondents to the TC (70.6%) clearly stated that the Strategy needs indeed to support these countries<sup>347</sup>. Respondents believe that support to these third countries' legal practitioners provides participants with more opportunities to establish networks and be involved in fruitful roundtables or discussions with participants from third countries. This

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<sup>345</sup> European Commission, Communication A European Agenda on Migration, COM(2015) 240 final.

<sup>346</sup> European Asylum Support Office, EASO Training Curriculum, p. 18.

<sup>347</sup> TC, Summary of replies, p. 11.

allows, first, to be acquainted with the non-EU domestic laws with a view to deal more smoothly with cross-border cases; second, to cooperate on transnational subjects such as terrorism and migration law.<sup>348</sup> As for the latter, practitioners from non-EU countries could benefit by strengthening their preparation in EU law, which would then require less efforts in the event that the third country eventually joins the EU.<sup>349</sup> The expert group also considers that the Strategy should extend European judicial training to justice professionals from third countries, especially candidate countries and then neighbourhood countries.

A far smaller share of respondents (15.3%) thought, however, that the Strategy should keep its main focus on the EU. The primary reason for that is the lack of harmonisation still persisting across Member States. These respondents thought that before widening its scope and having to cope with an even more diverse array of legal systems, the Strategy should still address current challenges within the EU.<sup>350</sup>

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<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> TC, Summary of replies, p. 11.

# 5 Conclusions and recommendations

## 5.1 Conclusions

The conclusions of our assignment are presented in this section by evaluation criteria.

### Effectiveness

Overall, the implementation of the Strategy has resulted in **some clear improvements concerning judicial training on EU law**.

Annual data illustrates an ever-increasing growth in the number of training activities and beneficiaries of training activities across all target groups. Although some external factors may also be at play, the Strategy has contributed to increasing knowledge on EU law while reinforcing mutual trust between legal practitioners. The main activity of the Strategy felt by stakeholders however is undoubtedly the support provided through funding. Other activities of the Commission, such as annual conferences, networking events, promotion of materials on the European e-Justice Portal are generally appreciated by stakeholders but are not as well known or perceived to have such a high impact as the funding.

At the same time, the achievement of the Strategy's objectives is limited by some obstacles: still, the lack of understanding of the relevance of EU law among some legal practitioners, the perception of the time invested in training as a loss, legal practitioners' language barriers and limited awareness of the European e-Justice Portal, amongst others.

### **The operational objectives of the Strategy have been achieved to a good extent.**

The **number of judicial training activities** has increased overall since the adoption of the Strategy. There has been a positive evolution in terms of the number of initial and continuous training activities organised since 2011, illustrating the positive effect of the Strategy. In particular, the number of continuous training activities has increased from 1 741(2011) to 3 743 (2017). However, further training activities could be organised, notably cross-border exchanges.

The Strategy has successfully contributed to the **increase in training on EU law** of most of the targeted legal practitioners. Over the 7 years, all legal practitioners, with the notable exception of court staff, have reached the annual 5% target of trained practitioners per profession, which is required so that the objective of training 50% of the legal practitioners over the 10 years is reached. The Strategy has indeed met its objective of **training half (i.e. 700 000) of all legal practitioners in the EU**, as more than 830 000 legal practitioners have been already trained.

The **reach of training activities** has been increased. The Strategy has managed to reach **all groups of legal practitioners**. However, the language barrier prevents some legal practitioners from participating in cross-border training activities, and thus hampering the effectiveness of the Strategy. In terms of **geographical scope**, the Strategy has been implemented to different extents in Member States. While some of them have put in place specific measure to address the Strategy (e.g. mandatory participation to the AIAKOS programme, dedicated personnel to implement the Strategy), in others no actions were taken due to a lack of awareness of the Strategy, or because of the perception that EU law was already being sufficiently covered by national training activities. In other countries, activities benefiting the implementation of the Strategy do exist, but it is not clear to what extent these were specifically taken because of the Strategy or not. Besides, the Strategy has not only focused on the EU Member States, but has also successfully reached candidate, potential candidate and neighbourhood countries.

The Strategy has to some extent succeeded to improve national training programmes. First, EU law is now **integrated into initial training** in most of the Member States, either as a specific module or embedded in other courses. However, some Member States still prefer to include EU law as part of the university degrees. Besides, the Strategy has also promoted the **recognition**



**of training across border.** This objective has been achieved to a large extent for judges and prosecutors mainly. For the rest of legal practitioners (i.e. lawyers, notaries, and bailiffs) there are still some caveats, and the automatic recognition does not still take place, and thus depend on the Member States concerned. There are, however, promising ongoing efforts from for example CCBE which is currently working on automatic mutual recognition of lawyers' cross-border continuing professional development.

The Strategy has overall improved the **capacity of judicial training providers.** The Commission has reinforced its financial support to judicial training, strengthening training providers' capacity. During the period 2011-2017, the Commission has incremented its financial support to the EJTN by a yearly increase of 10 percentage points in average (compared to funding levels of 2011). Moreover, the Commission has supported training providers in developing better quality products by providing concrete guidance (either through material uploaded on the e-Justice Portal or via presentations) and reaching more participants. The Strategy has encouraged the creation of consortia or regional groups of national judicial schools. However, public-private partnerships (i.e. the collaboration between a public national training provider and a private entity) seem to have been rarely used.

Overall, we can say that the Strategy, through the identification of best training practices, the publication of the "Advice for training providers" and through funding programmes, has contributed to promoting improved **quality in judicial training.** However, there are still some obstacles hampering the delivery of high quality projects. On the one hand, the lack of coordination between the projects inhibits the reuse of outputs from previous projects and the leverage on those. On the other hand, the criteria of funding programmes does not give enough consideration to the level of language needed for a high quality training – both of the speaker and of the participants.

As for the **European e-Justice Portal**, although it has been significantly developed since 2011, its materials are not always updated and not widely used by the stakeholders, indicating a lack of awareness of the Portal, as well as a lack of engagement with its materials.

Concerning its last operational objective, although the Strategy has supported **training on legal terminology**, stakeholders consider that the lack of language skills remains a barrier when interacting with their counterparts from other Member States.

#### **The specific objectives of the Strategy have been achieved to some extent.**

We found that the Strategy has contributed to enhancing **legal practitioners' knowledge of EU law.** On one hand, after the adoption of the Strategy, some national training providers adjusted their curricula in order to highlight or include the EU law dimension. On the other hand, cross-border training activities have enabled legal practitioners to meet their counterparts from other Member States and learn their legal practices, contributing to their professional network.

**Mutual trust** in the EU has increased overall since 2011, due in part to the Strategy. Cross-border proceedings have become widespread, and legal practitioners have become naturally more familiar with EU law. Nevertheless, there are still some barriers hampering mutual trust, such as practitioners' limited language skills.

The Strategy enables justice professionals to have a solid knowledge of EU law and its instruments, enabling them to deliver high quality legal decisions, and thus improving the **quality of judicial proceedings** overall.

**The general objectives of the strategy have been achieved overall.** The achievement of these general objectives (i.e. implementation of EU law, and strengthened access to justice) cannot be exclusively attributed to the Strategy. The progress under the operational and specific objectives has also to be taken into account as it also contributed to the fulfilment of the general ones.

The Strategy has contributed to enhancing the level of knowledge of EU law as well as the level of mutual trust between legal practitioners. This has the potential to enable, on the one hand, an **effective implementation of EU law** as the level of understanding concerning EU law and the

EU instruments has generally increased since the adoption of the Strategy. On the other hand, it has also enhanced the quality of judicial proceedings ensuring a greater **access to justice**. Lastly, **legal certainty** has also improved as the Strategy has supported training activities to foster a common understanding and interpretation of EU law enabling a uniform application of EU law across Member States.

## Efficiency

Based on limited, mostly opinion-based information, the **effects of the Strategy are overall viewed as having been achieved at a relatively reasonable cost**. However, due to a lack of hard quantitative data, this conclusion could not be confirmed through analytical findings.

As concerns the costs of the Strategy, a distinction should be made between costs that are a *direct result* of the Strategy and costs related to the funding programmes that *support* the Strategy.

**Direct costs include, at the EU level, costs related to the governance of the Strategy**, including the management of the relevant section of the e-Justice Portal. These costs amounted to around € 2 million over the period 2011 to 2017 for DG JUST.

Furthermore, **direct costs were also incurred at Member State level**, e.g. for developing national strategies in line with the EJTS, or for coordination activities. We found that the implementation of the Strategy varied across Member States. Due to its voluntary nature, some countries (e.g. Belgium, France and Germany) were more active than others (e.g. the UK and Ireland did not take any specific actions). The costs related to the implementation at national level vary accordingly. We do not have a full overview of the countries that did or did not put in place measures, as only patchy data was obtained in the interviews conducted. The stakeholders consulted were unable to estimate the costs relating to the Strategy and, when prompted to discuss specific costs, indicated that they were not significant.

In addition to the costs that were a direct result of the implementation of the Strategy, costs were also incurred in relation to the **funding programmes supporting the implementation of the Strategy**. Distinction can be made between costs that were incurred in relation to each of the funding programmes prior to the adoption of the Strategy and additional, “redirected” funding that was allocated to training of legal practitioners as a result of the Strategy. Overall, it was found that around € 160 million were allocated to training of legal practitioners from 2011 to 2017 under the Justice Programme, REC, Erasmus+ (Jean Monnet), the LIFE Programme and Hercule III<sup>351</sup>. The overall increase in funding over this time for the programmes for which information was available amounted to around € 13 million, corresponding to an increase of 88.8%. While the funding under these programmes was € 14 million in 2011, it had increased to € 27 million by 2017. According to verbal information from the Commission, DG JUST, the increase was in all cases triggered by the adoption of the Strategy.

As noted above, there are, however, **significant limitations in relation to the estimates of the costs associated with the implementation due to a lack of data**. Data concerning the costs associated with implementation and coordination of the Strategy at the national level, applications for funding and project documentation, as well as for monitoring and reporting are patchy at best and not accessible in most cases. It has therefore not been possible to aggregate these costs. Hence, **the total costs are higher than the figures given above**. Due to this uncertainty, the data obtained have not been aggregated.

As the assessment of efficiency constitutes an assessment of the proportionality of the costs and benefits, the main benefits stemming from the implementation of the Strategy and the supporting funding programmes are briefly recalled.

**Key benefits** achieved in relation to the objectives of the Strategy include an increased number of training activities on EU law, training 830 000 legal practitioners across the EU, more widespread use of e-learning, increased recognition of training activities in other EU Member States, and improvement of the capacity of training providers. All these aspects have contributed to increasing the quality of judicial training in the EU, enhancing legal practitioners’ knowledge of

<sup>351</sup> No information was obtained for IPA or the ESF (due to the fact that while some information was provided to DG JUST by DG EMPL, reporting on training of legal professionals is not required in a structured manner under this programme).

EU law. The Strategy has also had a positive influence in terms of increasing mutual trust by implementing cross-border activities where legal practitioners (especially judges and prosecutors) build personal relationships and get informed about how other Member States implement EU law in their national systems.

Despite the noted data limitations, it is clear that the **inputs in the form of governance and funding have constituted an important asset supporting the provision of training by stakeholders**. Based on opinion-based information from the stakeholder consultations, the costs associated with the implementation of the Strategy were stated to **overall be considered to be proportionate and justified** in view of the benefits achieved during the time-period covered by the present evaluation, notably in terms of the number of legal practitioners trained.

Inadequate quantitative data is available to be able to confirm this finding by means of an objective analysis. More specifically, due to the lack of data, one key indicator concerning the efficiency of the Strategy in terms of the costs per training day has not been possible to calculate at an aggregate level. A snapshot picture of the efficiency of one training provider can nevertheless be given. Available data for the EJTN show that for this training provider, **whilst the budget increased by 73% from 2011 to 2017, the number of participants increased at around twice this rate (+137%) and the 'cost to serve' ratio decreased by 28%, clearly pointing to increased efficiency in delivering the training**. Furthermore, interestingly, the number of training days per person increased by 20%, from 4 days per person in 2011 to ca 5 days per person in 2017, and the number of persons trained per staff (trainer) by 35%. The high execution rate is also noteworthy: the implementation level of the Justice Programme increased from around 75% in 2011 to remarkable 95% in 2017.

This information is the only quantitative data accessed enabling to draw a conclusion concerning the level of efficiency in delivering training under the Strategy.

Whilst similar limitations with regard to data availability needs to be taken into account with regard to the analysis of the **costs and benefits of the implementation of the Strategy by different stakeholder groups, based on the views expressed**, the cost-benefit ratio seems to be overall **proportionate for all stakeholder groups**, with some limitations:

- The costs incurred by the **Commission, and notably DG JUST**, were relatively low compared to the workload for the established governance-related tasks. These tasks involved e.g. the Commission's activities relating to the organisation of the annual conference on judicial training, the Inter-Service Group, the Expert Group on European Judicial Training as well as the management of the allocation of funding from the different programmes. While verbal evidence suggests that the tasks that were given to the Commission staff were overall carried out effectively and efficiently, to govern the implementation of the Strategy in a more effective manner, additional activities (e.g. increased number of missions) and human resources (e.g. for further statistics, quality control and dissemination) would be required.
- As noted above, the **Member States** stated have only incurred very limited costs as a direct consequence of the Strategy and its implementation. Information concerning costs related to national funding programmes is not available. The benefits for the Member States in terms of increased training of legal practitioners and the expected improved quality of legal proceedings seem overall proportionately much larger than the costs incurred.
- **Training providers**, who should be viewed as "intermediaries" in relation to the implementation of the Strategy (as they obtain funding that they then use to deliver training to legal practitioners), were better off due to the Strategy and the increased financial resources available, and their capacity was enhanced. As a result, they were able to extend and improve their training offer and share best practices with other training providers, although this has not been done at its full potential. In relation to access to funding, they incurred costs for preparing project proposals, as well to monitor and report about them. Ways to (further) simplify the proposal submission processes could be considered, as some stakeholders indicated that they abstained from applying due to the cost of this process. Although some training providers indicated that they find the workload for monitoring and reporting too high, based on the information available concerning the actual resources needed, the current requirements do not seem overly burdensome.
- **More than 830 000 legal practitioners** benefited from training on EU law from 2011 to 2017. There is an overrepresentation of judges, in line with their training needs and EC objectives (given their key role in the justice process). Some legal practitioners

were, however, not able to take part in the training offered due to language obstacles. The legal practitioners generally do not bear any costs for the training themselves insofar as they are employed, but this is rather covered by public administrations and their employers. The notable exception is self-employed legal practitioners (including e.g. many lawyers, notaries and liberal bailiffs), who may not invest the time necessary to participate in the training offered (although in some countries, lawyers may deduce training costs from their income tax). For the remaining groups of legal practitioners, the benefits for them clearly outweigh their costs.

- **The employers of legal practitioners** in some cases bear costs for participation fees, travel and accommodation, but these costs are also often covered by public institutions (in the case of judges and prosecutors, as well as court staff). While the legal practitioners participating in the training are not able to work during the time they attend the training (resulting in lost working time for the employers), the increased efficiency that can be expected as a consequence should generally outweigh these costs.

As concerns the distribution of costs and benefits among the different stakeholder groups considered, some stakeholders are rather net bearers of costs (e.g. the Commission and public authorities), whilst legal practitioners who are employed are net beneficiaries. Some stakeholders are both bearers of costs and beneficiaries, including employers of legal practitioners and self-employed legal practitioners. Training providers have an intermediary role and whilst they receive funding, the financial support received is normally invested in their training offer (the possibility for them to make a direct profit is only possible where financial support is obtained through a call for tender). Overall, the distribution of costs and benefits among different stakeholder groups seems reasonable, although the situation for self-employed legal practitioners is not ideal.

The following three main **factors have influenced the efficiency of the Strategy**:

- The **use of technology**, notably the increased availability of e-learning, has had a positive effect on the efficiency of the Strategy, which could be further explored.
- The objective of **building on the strengths of the existing networks** has also been achieved and has had a positive impact. The capacity of training providers has successfully been enhanced and has led to increased sharing of best practices.
- The potential for **re-using available materials**, e.g. on the e-Justice Portal, has been exploited only to a limited extent and there is scope for improvement in this regard.

To conclude, the Strategy seems to have brought about **some clear improvements concerning judicial training on EU law at a relatively reasonable cost**.

## Coherence

At present, EJTS is **to a great extent internally coherent**. As far as its **external coherence** is concerned, the Strategy fits well with other EU instruments relevant in the area of freedom, security and justice, and in particular in the field of judicial training, such as the Stockholm Programme and its Implementation Action, the Monti Report, the Europe 2020 Strategy, and the EU citizenship report 2010. In addition, the coherence of the Strategy has also been assessed in comparison with other learning strategies (i.e. the 2012-2016 EU Strategy towards the Eradication of Trafficking in Human beings, the 2012 Dublin Strategy, and the 2013 Law Enforcement Training Scheme). Despite some main discrepancies, we found that the Strategy presents some similarities and is especially coherent with the Law Enforcement Training Scheme. Lastly, the EJTS is not only coherent with but also complementary to the national training policies, thus respecting the subsidiarity principle.

## EU Added Value

**The Strategy brings about EU added value to a good extent**. What is key about the Strategy is that it triggers **EU-wide awareness** on the importance to address the existing needs of legal practitioners in terms of judicial training on EU law. Besides, it also shows the

commitment of the Commission to improve the EU approach towards judicial training on EU law<sup>352</sup>. Such strategic awareness has a knock-on effect on the availability of EU funds for judicial training and on the role of EU-level and national stakeholders that would not be achieved in the absence of the Strategy. .

The establishment of a common objective for the judicial training of EU legal professionals was also essential to the creation of the momentum. The Strategy has enabled not only to **increase the number of training activities** but has also to **promote some types of activities that Member States could not have been able to implement in solo** (e.g.) from a resources point of view (from an organisational, human, and budgetary perspective). Exchange programmes or the AJTR are such examples.

The Strategy contributed to the **improvement of training on EU law for several categories of legal practitioners**. The numbers of judges and prosecutors participating in training improved greatly. Court staff were given a focus that they had never received before, in the Strategy and during its implementation, leading to the national realisations of their training needs in general and on EU law in particular. Notaries organised cross-border training activities for thousands of participants in half of the Member States, which had snowball effects leading to the organisation of additional national training activities. CCBE put training on its agenda, realised the great training needs of lawyers and launched several projects to improve the situation, notably the European Training Platform (a search tool of training activities in the EU) and the memorandum of understanding between its members regarding the mutual recognition of training followed abroad. The impressive **development of the EJTN** enabled the multiplication of the number of participants in its training activities by more than 2 between 2011 and 2017. This development is due to a variety of factors other than the Strategy; however, the financial support of the Commission to EJTN has been key, and has actually increased of 72.7% since 2011. The Strategy offered **EU-level networks and training providers**, such as CCBE, CNUE, ERA, EIPA, and others, a framework to coordinate their efforts to promote and spread training on EU law, and allowed them to work towards common goals in judicial training. These organisations are crucial to the Strategy implementation, because they are not only delivering training activities, but are creating and supporting the network of their members (e.g. via annual gatherings, dissemination of good practices, support to preparation of proposals). The embryo of cooperation between court staff's training providers at EU level has also been essential to start the assessment of the court staff's training needs on EU law.

The Strategy has also developed **training methodology guidelines** and identified best training practices and practical examples, which were not only advertised on the e-Justice Portal but also used as pre-requisite for the evaluation of the quality of the projects in the calls for proposals under the Justice Programme.

In addition, the Strategy has developed some **training materials** and advertised training materials developed under EU co-funded projects, to support the implementation of the Strategy, which were uploaded to the e-Justice Portal. The actual added value of the training materials is however relatively limited as training providers only use them to a rather small extent (national training providers develop their own training materials and do not reuse the ones uploaded in the portal). This is partly due to training providers and practitioners being unaware of the e-Justice Portal, and partly to the underuse of the materials included therein. On the other hand, the Commission "Advice for training providers", which gathers all recommendations and good practices stemming from previous EU-level studies, handbooks and conferences on the topic, is recognised as a valuable tool for training providers.

However, an **awareness issue** was raised by several stakeholders – i.e. many of them in a few Member State were not aware of the existence of the Strategy. This means that, whilst the Strategy has an added value for those who are aware of it and of its priorities, the overall added value of the Strategy still remains well below its full potential.

## Sustainability

**Different, internal and external**, existing or potential factors are linked with sustainability and have an impact on the lasting effect of the Strategy.

<sup>352</sup> Minutes of the Expert group on European judicial training, 18 December 2017.

**Tailoring training activities** to specific groups of participants is a necessary condition for the Strategy to be able to have a lasting effect. **For this tailoring, needs assessment** is a very important internal factor. Training providers in the Member States generally do perform a bottom up or top down needs assessment, via different methods. Most of them use a combination of assessment methods in order to create a learning curriculum. This makes them able to tailor their training for specific groups of participants, which increases sustainability. Stakeholders of Member States can find guidelines on how to perform training assessment on the website of EJTN as well as best practices from different Member States on the e-Justice Portal. Legal practitioners' **language barrier** is a clear obstacle of their participation in cross-border training activities. This language barrier prevents legal practitioners from participating to cross-border training activities, or when they do, it hampers their level of intake. Legal practitioners do not fully gather the knowledge shared during the training activities. The language barrier has therefore a negative impact on the lasting effect and sustainability of the Strategy.

Member States are increasingly aware of the importance of organising **high quality** EU law training activities in order to ensure the lasting effect of learning. For some of them this was due to the Strategy, while others state already having high quality level training activities. Although Member States take action to improve the **measurement of quality and increase the quality of training activities**, there is still room for improvement in order to reach the level achieved within modern learning. For example, based on our data collection activities, it was found that national training providers are not including within their daily tools some electronic learning formats such as applications, podcasts and e-learning, which are daily practice within modern learning.

In order for the Strategy to be sustainable, **follow-up activities** need to be conducted. At this point in time, not enough **follow-up activities** take place with regards to the assessment of learning of legal practitioners. Although guidelines and inspiration can be found in the EJTN Handbook on Judicial Training Methodology in Europe<sup>353</sup>, it does not seem to be applied as much as desirable (for every training activity and on different point in time after the training activity took place).

**The perception of time spent on training is also an important factor for sustainability, and it is twofold.** On the one hand, legal practitioners perceive having no time to attend training activities. On the other hand, the ones responsible for the approval of the applications consider there is no time for training activities. This mindset poses an important limitation on the number of participants and consequently to the lasting effect of the Strategy. When reaching a high number of legal practitioners, the Strategy ensures higher chances of having a long lasting effect.

Another way for the Strategy to ensure its sustainability is the re-use of training material. The Strategy has not been fully able to ensure sustainability via the **materials provided on the e-Justice Portal**. An important factor for this is the lack of awareness of the existence of these materials on the e-Justice Portal. Another factor is that there are only some legal practitioners who re-use the materials shared on the e-Justice Portal, due to **issues with the content (out dated material), the format (user friendliness) and the navigation**.

As for the impact of the Strategy on its direct audience, we can say that **the Strategy was able to have a lasting effect on its main beneficiaries**. The Strategy has influenced national training programmes, in which the EU law dimension is now more present than in 2011. Besides, Member States perceived **a change and even an increase in the knowledge, attitude and use of EU law**.

## Relevance

Overall, the Strategy appears to be **relevant to legal practitioners' training needs**. Training on EU law is considered key for the legal practitioners due to the increasing personal and business interactions among EU citizens and businesses, and the consequent cross-border proceeding requiring a good knowledge of EU law.

The majority of respondents to the 2018 consultation and of stakeholders interviewed have

<sup>353</sup> See: [http://www.ejtn.eu/Documents/EJTN\\_JTM\\_Handbook\\_2016.pdf](http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf)

deemed relevant the current **objectives** of the Strategy. Nevertheless, it was found out that there is still room for improvement by tailoring for example the objectives to the different target groups.

Concerning the **learning formats**, exchanges are especially appreciated and relevant to the needs of legal professionals. E-learning is also appreciated by legal professionals but is still underused.

As for the **topics**, the Strategy has been able overall to address new topics and needs, mainly through the Justice Programme. Stakeholders indicated that the Strategy could reinforce training on some topics (e.g. human rights) and encompass more, such as cybercrime and terrorism.

In terms of its **target groups**, initially adopted in 2011, the Strategy focuses on all legal practitioners, giving priority to judges and prosecutors. Since its adoption however, the understanding of the Strategy's scope has evolved, including now for example, prison and probation officers, illustrating the increased relevance of the Strategy. The Strategy targets differently each of the stakeholders groups in order to accommodate their training needs.

The **geographical scope** of the Strategy is still relevant.

In addition, the study team prepared the following table presenting an overview indicating the extent to which the assessment under the different evaluation criteria show a positive progression compared to the baseline.

Table 25: Overview progression table

	Effectiveness	Efficiency	Coherence	EU added value	Sustainability	Relevance
<b>Summary description on how well they fare against the baseline and on interrelations among evaluation criteria (where relevant)</b>	Based on the comparison between the baseline and the current situation, we can conclude that the Strategy has overall achieved its objectives. The operational and specific of the Strategy have been attained to a good and some extent respectively, while the general ones have been accomplished overall.	Under the assessment of efficiency we considered the relationship between the achievements of the Strategy and the resources exhausted by its implementation. Under effectiveness, we concluded that the Strategy achieves its objectives overall. Based on the information gathered, it was found that the effects of the Strategy have been achieved at a reasonable cost. Therefore, it can be concluded that the Strategy is overall efficient.	The overwhelming majority of the provisions of the Strategy are internally coherent. Concerning its external coherence, the Strategy is coherent with other EU instruments, including other learning strategies. The Strategy is also coherent with the national training policies, respecting the principle of subsidiarity, contributing to the creation of EU added.	The EU added value test is performed on the basis of the effectiveness and efficiency evaluation criteria. The assessment carried out under effectiveness illustrates that the Strategy has achieved its objectives, and under efficiency, that these were reached at a reasonable cost. In addition, it is found that the benefits of the Strategy could not have been achieved without an EU intervention due to either a lack of political interest or the limited resources (from an organisational, human, and budgetary perspective) at Member States level.	The Strategy is able to have a long lasting effect on its target groups. This effect is, however, hampered by some limitations such as the lack of a training needs assessment, language barrier, the lack of use of training materials from the e-Justice Portal, and the lack of perception of EU training as a worthwhile investment. As stated under effectiveness, the objectives of the strategy are not fully achieved, thus hampering the sustainability of the Strategy.	Based on our assessment, the Strategy is still relevant to the current needs of legal practitioners regarding training on EU law. The Strategy has been flexible enough to address the emerging needs of the different target groups.
<b>Assessment to baseline</b>	+	+	++	+	+/-	+

Colour code:

++	To a great extent
+	To good extent
+/-	To some extent
-	To a limited extent
--	Not at all



## 5.2 Recommendations

*We suggest that the next Strategy use the term 'Learning' instead of 'Training' (e.g. learning formats/learning activities/learning material). We understand training as referring to classical classroom training (stricter interpretation) whilst there are many other learning formats that define learning (as a broader concept encompassing benefiting from other activities, such as listening to a podcast).*

**We recommend hence the following for the next, 2021-2027 European Learning Strategy on EU Law for Justice Professionals and its supporting activities.**

### Scope

- As explained under the Effectiveness section (in particular section 4.1.1.3 'Reach of training activities'), the Strategy has overall successfully targeted all legal practitioners. Nevertheless, as pointed out in the Internal coherence section (section 4.3.1), we recommend that the new Strategy clearly and explicitly states that all legal practitioners are targeted. In this sense, it would be advisable that its **target group** is broadened to include **all justice professionals**.
- As mentioned in the Effectiveness section (section 4.1.1.2 'Contribution to an overall increase in the number of beneficiaries of training activities' and 4.1.1.4 'Improve national training programmes'), it was found out that some concepts were not clearly defined in the Strategy, leading to a lack of understanding amongst stakeholders. Thus, for the sake of clarity, and in order to ensure the effectiveness of the next Strategy, it is advisable that at least guiding **definitions** of the following are included **in the Strategy**:
  - justice professional: every professional in the justice system that has to apply EU law;
  - judicial training on EU law: training on directly applicable EU legislation and procedures, as well as EU law that has been transposed into national law;
  - initial training: period during which an individual undertakes specific professional training through either an apprenticeship, courses or a combination of both. It can take place before or after the person becomes a full-fledged justice professional but is always linked to the beginning of a career in a profession. Probation periods during which newly recruited professionals have training obligations can be considered as induction periods<sup>354</sup>;
  - learning format: every method that can be used to develop justice professionals' capabilities and ensure their continued relevance. Learning formats and learning activities are synonyms. They both include all methods/modes of learning that can be used to make learning blended and increase the chance of learning to have a maximum impact.
- In terms of **geographical scope**, it was found the Strategy has had a positive impact on the candidate, potential candidate and neighbourhood countries as indicated in section 4.1.1.3 ('Reach of training activities – Geographical scope') and section 4.6.2.5 ('Geographical scope' under the Relevance section). Therefore, the European Commission might consider keeping the possibility for justice professionals of these countries to participate in judicial training on EU law in order to ensure that their judicial systems are sufficiently prepared for their future possible accession.

### Objectives & indicators

- The proposal for the Strategy was not accompanied by an impact assessment or systematic analysis of the situation (as explained in section 3.4.1 'Data on the baseline'). Therefore, it was not possible to have a solid baseline for comparison purposes in the framework of this study (as indicated in section 4.1.1 ('Achievement of the operational objectives')). We thus advise the Commission to set a **baseline for measurement** of the

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<sup>354</sup> This definition is used in the study by the European Commission, Study on the state of play of court staff training in EU law and promotion of cooperation between court staff training providers at EU level (Lot 3), p. 103.

next Strategy, based on the findings of this evaluation and the data that the EC will compile for annual reports based on 2017 and 2018 data.

- As explained under the Sustainability section (see section 4.5.1.1 'Internal factors'), the Strategy does not directly promote the use of needs assessment in the development of training activities despite being a well-known sustainability factor in learning. In line with widely recognised learning standards, we recommend that the Commission supports a **needs assessment conducted by the EU level organisation and training providers together with the Member States, per target group**, in order to know the exact needs of judicial professionals and to facilitate the **tailoring of learning formats to specific groups of participants**.
- Given the successful impact of having a quantitative objective to monitor the implementation of the Strategy (see sections 4.1.1.2 'Contribution of the Strategy to an overall increase in the number of beneficiaries of training activities'), the European Commission might adopt the same approach for the next Strategy and include an overarching quantitative objective for all legal professionals.
- In the same line, the next Strategy should strive for a **constant positive evolution** at any given year of the number of individuals trained on EU law in relation to the population of justice professionals (falling under the target groups) in the same year. It is advisable that a similar constant evolution is aimed for regarding initial training when accessing the profession, as well as for continuous learning. This would enable to monitor the implementation of the Strategy more accurately as the population to be taken into account would be the number of legal professionals of that same year (and not the number of professionals in the "year 1" of the Strategy).
- To enhance the impact of the Strategy, a **new quantitative indicator target for initial training** could be defined, the target of 100% of justice professionals to be trained on the application of EU law, relevant for their daily practice.
- As explained under the Relevance section, it is advisable that training activities are tailored to the needs of each of judicial profession (see section 4.6.2.4 'Target groups covered'). As much as possible, it would be advisable to prioritise **certain learning formats for some professions**, in view of their specific role in the judicial chain. This could involve, for example:
  - shorter and hands-on learning formats/e-learning offerings for bailiffs,
  - academically/theoretically underpinned, still practice-oriented learning formats for judges and prosecutors,
  - more extensive case solving formats for judges, and,
  - webinar/streaming options allowing for anonymous participants from mixed groups of justice professionals.

### Enhancing quality:

- As indicated in section 4.5.1.1 ('internal factors' under the Sustainability section), the Strategy calls on Member States to use training formats that are practice oriented and relevant for the everyday work of the legal practitioners. This approach ensures the quality of the training activities delivered, as well as its long-lasting effect in the participants. Therefore, it is advisable that the Strategy continues **encouraging effective, modern (but established) learning methods** by promoting the use of the following by training providers:
  - **Blended learning**: use a combination of face-to-face learning formats and electronic formats (e-learning, podcasts, streaming, webinars, applications).
  - **Learning journey approach**: do not limit learning to the learning activity itself<sup>355</sup>. Ask participants to do tasks before (as a preparation) and after (as a repetition) the learning activity. This can be a (preparatory or repeating) e-learning, quiz (before and after the learning format), discussion with peers.
  - **Experimental learning formats**: do not limit the learning activity to transfer of knowledge but increase the chance that justice professionals will use what they

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<sup>355</sup> This is important because we know from literature that only 6% of training will be remembered when you leave the learning process in hands of the participants.

have learned by using scenarios, cases, role plays and games referring to participants' job context. This will increase the sustainability of learning activities under the Strategy.

- **Promote social learning** by creating a collaborative learning environment where peers and colleagues acquire knowledge through communication. E.g. creating a discussion forum on the e-Justice Portal for justice professionals to share thoughts and ask their trainers/peers questions. Inclusion of a dedicated community space for trainings financially supported by EU funds should be a requirement for receiving such support.
- In order to ensure the sustainability of the next Strategy, it is advisable that training activities are tailored to the specific needs of the different target groups (see section 4.5.1.1 'Internal factors' under Sustainability, and 4.6.2.4 'Target groups covered' under Relevance). Therefore, we suggest that the next Strategy **encourages tailoring the learning format to specific groups of participants by:**
  - **Conducting a needs assessment** (see the related recommendation above)
  - **Take the language barrier into account:**

Following the best practices within modern learning we recommend more widespread use of (and support to) **Train-The-Trainer** (TTT) solutions. TTT's are an educational model where individuals are trained to become a trainer or to improve their trainer skills. The goal of these TTT in this context of EU law, is to give the judicial professionals who speak a foreign language the opportunity to attend cross-border activities on EU law and afterwards train the native judicial professionals in their native language. Not only will the people who attend a **Train-The-Trainer** be educated in the content of the training (e.g. civil law) but they will also receive tips and tricks that will improve their skills as a trainer. It is very important to monitor the outcomes of the Train-The-Trainer sessions (e.g. are these people really become trainers, do they organize the trainings, etc.) It is also very important to provide a manual that the participants can consult regarding the topic that was addressed.
- As pointed out under the Relevance section (see section 4.6.2.2 'Learning offer'), some learning formats, such as e-learning, are still underused by legal professionals. It is thus recommendable that the next Strategy **provides more guidance and set quality targets for e-learning and other electronic learning formats** (podcasts, streaming, webinars, applications, MOOC being the most common ones):
  - It is advisable that e-learning modules are
    - possible to be taken without having read accompanying information;
    - **a journey** for the participants where storytelling is crucial;
    - **practical and interactive**, making use of exercises (e.g. drag and drop) or a quiz;
    - consist of **short messages supported by a voice over**;
    - very **visual**, and as much as possible make use of images and videos based on a short attention span;
    - **mobile friendly**.
- As indicated in the Effectiveness section (see 4.1.1.2 'Contribution of the Strategy to an overall increase in the number of beneficiaries of training activities – Continuous training'), the Strategy has promoted the exchange programmes, which have been very successful and appreciated by legal professionals. It is advisable that **the next Strategy continues supporting the existing exchange** programs of EJTN and invite other networks to create exchange programmes for their respective target groups.
- According to our findings under Sustainability (see section 4.5.1.1 'Internal factors – Follow-up activities assessing the learning of the participants'), it was found that training providers do assess their activities. In order for the Strategy to increase its sustainability, it is desirable that **clear expectations are set regarding the evaluation of learning formats** by training providers, at least in the context of its financial support. This could involve the following:
  - **Pre- and post-measurement**, evaluating the learning activities through two questionnaires: the first to be circulated before the training activity and then the second one afterwards. This will enable measuring whether the knowledge of the participants has increased after the training.

- **Practical evaluation methods** letting the participants take part (during or after the learning format) in case tests where they have to apply what they have learned. Participation of the legal professionals can afterwards be discussed in a group, perform pre- and post-learning activities tests, perform interviews, a simulation of court case (mock trial), intervision<sup>356</sup> in small groups.
- **Creating a standardised evaluation questionnaire** enabling Member State authorities, training providers and representative associations of justice professionals to conduct an evaluation of their learning formats at Kirkpatrick levels 1, 2 and 3 respectively. The templates of these three evaluation questionnaires should be included on the European e-Justice Portal.
- **Evaluation up to Kirkpatrick level 3 (at least regarding self-assessment)**, including questions that not only assess the degree to which participants react favourably towards the learning method but also assess the degree to which participants have gained more knowledge regarding EU law and to what degree they applied what they have learned.
- As explained under the Efficiency section (see section 4.2.1.3 'Monitoring and reporting'), the data collected on the monitoring and reporting of the Strategy was hardly available and patchy. Therefore, we suggest including the following data elements to improve the monitoring on the implementation of the Strategy: efforts required from stakeholders to implement and monitor the Strategy (i.e. a qualitative description), and quantitative figures of such efforts (e.g. number of FTEs).

## EU funding

- The current Strategy has enabled the allocation of EU funds to train legal professionals (see section 4.2.2.1 'EU level funding allocated to training of legal practitioners'). In order to continue the benefits of such allocation of funds (being mainly the organisation of training activities, reaching a higher number of legal professionals, and strengthening the training providers' capacity, see section 4.1 'Effectiveness'), we suggest that the Strategy **includes a recommendation to:**
  - **increase the level of funding available for training of justice professionals**, to e.g. account for the increased number of justice professionals, a potentially wider scope in terms of the target group (not all justice professionals are currently covered), the need to address language obstacles, the need for more in-depth training etc.;
  - ensure that the financial **support provided to EU level training providers** is proportionate to the efforts necessary to implement the activities required by the new Strategy;
  - **simplify the requirements for the funding of cross-border training activities**, including requirements as e.g. the radius of kilometres from where the cross-border participant are supposed to come from; and
  - closely monitor the judicial training activities implemented through the different EU funding programmes active in the field of judicial training. The Strategy could also suggest specific indicators to assess the costs in a streamlined manner (e.g. costs per training day or participate).
- As explained under section 4.1.1.6 ('Contribution of the Strategy to an improved quality of training on EU law', under Effectiveness), the current Strategy has supported the quality of European judicial training activities. Under the coming Strategy, we suggest that **the improvement of quality of the projects under EU funds** is ensured by:
  - During the evaluation of submissions for EU funding programmes under the Strategy, allocate additional quality points to those applicants including a detailed approach for the running of a Kirkpatrick level 3 evaluation in their project proposals. It could also be possible to make compulsory in the future the inclusion of an evaluation plan (comprising the level 3) of the training activity proposed.

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<sup>356</sup> An intervision group is a learning activity with several small groups of professionals who have a common challenges and difficulties. In this activity, participants are invited to share their insights and experiences, as well as their best practices to deal with the challenge identified. The intervision group is facilitated by a neutral person.

- Adopting the same (or similar) quality award criteria for all EU funding programmes and sufficient weight on quality (as an award criterion) in order to ensure that in all areas covered by EU funds, high quality be ensured. Mechanisms to increase the quality of EU programmes results could include prize schemes rewarding for example apposite openly accessible e-training material/multilingual approaches, or some payment premiums purely related to the quality of the results.

## Governance

- The governance of the Strategy has been ensured by the Inter-service group, which has been key for the implementation of the Strategy (see section 4.2.1.1 'The governance of the Strategy by the Commission'), and whose costs have been relatively low compared to the workload for the established governance-related tasks. We advise **the Commission to keep organising** (more frequently) meetings of the **Inter-service group on European Judicial Training**, using a more structured approach consisting of more exchange of best practices. EU agencies working with judicial professionals and their training providers (CEPOL, EASO, EPO, EUIPO, Eurojust, Europol, EPPO, as of November 2020) should also be involved in some of these meetings.
- Likewise, the Expert Group on European judicial training has also been a relevant stakeholder to follow-up on the implementation of the Strategy (see sections 3.4.2.1 'EU law training activities and participants' and 4.2.1.1 'The governance of the Strategy by the Commission'). We thus recommend the Commission to maintain active the current Expert Group on European judicial training as well as the annual conferences. It is advisable that the Commission continues using these events to **raise awareness among training providers (especially the private ones) about the importance for them to contribute data to the annual reports**. We encourage the Commission to join efforts with CCBE in order to raise private training providers' awareness and boost their participation.
- The Commission has organised (almost) annual conferences on judicial training, bringing together the different training providers and giving them the opportunity to meet and network (as indicated in section 4.1.1.5 'Contribution of the Strategy to an improved capacity of training providers'). We urge the Commission to keep organising these events, **inviting EU level networks and training providers to coordinate** among each other and exchange of methodologies and/or best practices.
- As indicated in section 4.2.1.1 ('The governance of the Strategy by the Commission'), the Commission overall carried out effectively and efficiently the necessary tasks to govern the implementation of the Strategy. Nevertheless, in order to improve the performance of the Commission, additional activities (e.g. increased number of missions) and human resources (e.g. a statistician) would be required.
- In order to strengthen the communication with the Member States, and smooth the preparation of the AJTR, **Member States could be called on to appoint a National Contact Point** for the national coordination of the new Strategy's implementation.
- Although the Strategy has successfully reached overall its different target groups (as explained under section 4.1.1.3 'Reach of training activities'), it is advisable that the next Strategy **promotes that further justice professions** (including e.g. court staff) are represented in an **EU level network**.
- As indicated in section 4.1.2.2 ('Legal practitioners' level of mutual trust in cross-border judicial proceedings'), mutual trust has been increasing overall since 2011. It is advisable that the Commission continues building mutual trust amongst justice professionals by supporting cross-border training activities.
  - It is recommended that the next Strategy keeps promoting EU law training activities as opportunities to learn and increase mutual trust rather than a burden, thereby inducing a shift in current mindsets (as indicated in section 4.5.1.2 'External factors' under Sustainability). Within modern learning, this can be encouraged by:
    - Stakeholder management: Increase stakeholders engagement and willingness to change by applying strategies such as 1-1 interviews, communication log, informal touchpoints, consulting early and often with the stakeholders,

- Learning formats that make distance learning possible (podcast, webinar, e-learning, i.e. learning formats that do not require participants to be in the same place at the same time).
- Although the European e-Justice Portal has been useful in supporting the implementation of the Strategy (see section 4.1.1.6 'Contribution of the Strategy to an improved quality of training on EU law'), there is still some room for improvement. More particularly, **the training section on the European e-Justice Portal (beta version)** could be improved in different ways:
  - **Regarding content**
    - the Portal's relevant content should be of the **highest quality and up-to-date**;
    - **developed based on the target group** (content for training providers vs content for justice professionals);
    - Include **content defined based on the needs assessment** referred to above;
  - It is advisable that **layout and navigation routes** are prepared based on **scenarios based on users' needs**.
  - In order to allow for **community building and social learning**, we suggest that the Portal includes a **forum functionality** (which should be a compulsory follow-up/add-on activity for EU co-financed projects).
  - Particular a one-stop-shop on the e-Justice Portal allowing for an overview on what documents need to be submitted for funds under the Strategy, and which provides guidance on the application process.
  - It is recommendable that the Portal/ETP becomes a **hub for sustainable knowledge sharing**, i.e.
    - The high-quality training materials produced under the projects supported by EU funds should be disseminated and uploaded onto the **European Training Platform on the e-Justice Portal**.
    - National contact points should identify national best practice and upload these on the Portal.

# Annex A – Glossary

Table 26: Glossary

Word	Meaning
AJTR	Annual Judicial Training Report
Brussels Regulation 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
Brussels Regulation Ia	Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).
Brussels Regulation 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, repealing Regulation (EC) No 1347/2000
Brussels II bis Regulation	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, repealing Regulation (EC) No 1347/2000
CCBE	Council of Bars and Law Societies of Europe
CEPOL	European Union Agency for Law Enforcement Training
CJEU	Court of Justice of the European Union
CNUE	Notaries for Europe – Council of the Notariats of the European Union
DG COMP	Directorate-General for Competition
DG ENV	Directorate-General for Environment
DG JUST	Directorate-General for Justice and Consumers
EC	European Commission
ECHR	European Court of Human Rights
EELA	European Employment Lawyers Association
EIPA	European Institute of Public Administration
EJTN	European Judicial Training Network
EJTS	European Judicial Training Strategy (or “the Strategy”)
ELF	European Lawyers' Foundation
ENCJ	European Networks of Councils for the Judiciary
EPTA	European Penitentiary Training Academies
ERA	Academy of European Law
ESF	European Social Fund
ETP	European Training Platform
EU	European Union
IL	Intervention Logic
IPA	Instrument for Pre-Accession Assistance
KoM	Kick-off Meeting
LIFE	L'Instrument Financier pour l'Environnement (Financial instrument for the environment)

N/A	Not applicable
N/D	Data not available
OLAF	European Anti-Fraud Office
OPC	Open Public Consultation
PPP	Public-Private Partnership
REC	Rights, Equality and Citizenship Programme
REFOTRA	Recognition of cross-border training activities
Strategy	European Judicial Training Strategy (or "EJTS")
TC	Targeted Consultation
TTT	Train the trainer



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## Annex C - List of interviewees

The table below provides an overview of the interviewees from fieldwork and phone interviews countries.

*Table 27: Interviewees from fieldwork countries*

Member State <sup>357</sup>	Interviews		Timing
	Name	Type/organisation	
Latvia (9)	Elina Avota	Bailiff	Complete
	Ilona Kronberga	Judicial Training school	Complete
	Imants Jurevičius	Probation Service of Latvia	Complete
	Dace Deinate & Anna Skrjabina	Ministry of Justice & Court Administration	Complete
Ireland (7)	TP Kennedy	Law Society of Ireland	Complete
	Eimear de Brun	Honourable Society of Kings Inns (Bar Association)	Complete
	Gary FitzGerald	Irish Centre for European Law	Complete
	Rosemary Lynch	Trainee Solicitor	Complete
	Ms. Justice Aileen Donnelly	Judicial Council	Complete
Poland (11)	Joanna Wisła-Płonka	Lawyer	Complete
	Rafał Nozdryn-Płotnicki	National School of Judiciary and Public Prosecution	Complete
	Magdalena Aksamitowska-Kobos	Court Staff Trainer	Complete
Germany (7)	Dr. Stefan Tratz	German Judicial Academy (Deutsche Richterakademie)	Complete
	Angela Arnold	Court staff representative	Complete
	Markus Brückner	Federal Ministry of Justice and Consumer Protection	Complete
	Gerhard Hummer	Ministry of Justice of the State of Bavaria	Complete
	Phillip Wendt	German Lawyer Academy	Complete
Sweden (23)	Anette Warman	Prison and probation service	Complete
	Anders Olofsson	Courts of Sweden Judicial Training Academy, Swedish National Courts Administration	Complete
	Jonas Olbe	The Swedish Bar Association	Complete
	Anders Bengtsson	Judge, Swedish Courts Academy	Complete
	Nicklas Lagrell	Aklagare, Swedish Prosecution Authority (Head of training)	Complete
Italy (5)	Giovanni Liotta	National Council of Notaries	Complete
	Emanuela Paolucci	Italian Foundation of Notaries	Complete

<sup>357</sup> Number in bracket indicates number of contacted stakeholders.

Member State <sup>357</sup>	Interviews		Timing
	Name	Type/organisation	
	Andrea Mascioli	Bailiff- Judicial Officers Association in Europe	Complete
	Giovanni Pansini	Lawyer - National Lawyer Council	Complete
	Luca Perilli	Judge - School for Judiciary	Complete
Netherlands (5)	Minkjan Lineke	Advisor International Affairs The Royal Dutch Association of Civil-law Notaries	Complete
	Glime Nathalie	Senior Course Manager International Activities, Training and Study Center for the Judiciary	Complete
	Roelofsen Marieke	Supervised international adviser for the order of lawyers in The Netherlands	Complete
	Otter Jan, Van Leeuwe Jonathan	International union of Bailiffs	Complete
Spain (5)	Antonio Zárate Conde	Prosecutor	Complete
	Miriam de Rosa Palacio	The Judicial School of the General Council of the Judiciary	Complete
	Israel Pastor Sainz-Pardo	Center for Legal Studies	Complete
	Marta Isern	Lawyers association	Complete
	Javier Carlos Sánchez García	General Council of Solicitors	Complete
France (6)	Séverine Dubaïssi	Probation staff	Complete
	Nathalie Tulak	National School for Court Staff	Complete
	Benoît Chamouard	French National School for the judiciary	Complete
	Céline Brebion-Guerrin	Bailiff Association	Complete
	Hélène Biais-Ragonnaud	Bar Association	Complete
Romania (11)	Elena Miruna Ghica	National School of Clerks	Complete
	Irina Cambrea	National Institute of Magistracy	Complete
	Alexandra Danilia Andrada Tănase	Romanian Notary Institute	Complete

Table 28: Interviewees from phone interview countries

Member State (number of contacted stakeholders)	Interviews		Timing
	Name	Type/organisation	
Austria (13)	Silvia Weiss	Austrian Chamber of Notaries	Complete
	Dr. Susanna Gamauf-Boigner	Association of Administrative Judges	Complete
	Dr. Eric Heinke	Bar Association Vienna	Complete
Belgium (5)	Romina Scarpone	Notaries Belgium	Complete

Member State (number of contacted stakeholders)	Interviews		Timing
	Name	Type/organisation	
	Patrick Gielen	Bailiff Association	Complete
	Umit Oral	Training institute of judiciary	Complete
	Anne Jonlet	French-speaking and German-speaking Bar Association	Complete
<b>Bulgaria (9)</b>	Silviya Dimitrova	National Institute of Justice Bulgaria (Deputy Director for Judicial Training)	Complete
	Dragomir Yordanov	Bulgarian Chamber of Private Enforcement Agents (Executive Director)	Complete
<b>Croatia (6)</b>	Andrea Posavec Franić	Director of the Judicial Academy of Croatia	Complete
<b>Cyprus (7)</b>	Erotocritu George	Supreme court of Cyprus	Complete
	Kyriakos Thomas	Legal officer	Complete
<b>Czech Republic (4)</b>	Indruchova Eva	Member of the training committee of the Czech Bar Association	Complete
	Wunschova Berenika	Director of International Relations National Chamber of the Czech Republic	Complete
	Vystrcilova Renata	Head of department Judicial Academy	Complete
<b>Denmark (7)</b>	Mathias Krarup	Djøf Advokat (lawyer representative association)	Complete
	Holger Smith	Prosecution service	Complete
	Iben Mai Winsløw	Board of the Danish Education of Lawyers	Complete
<b>Estonia (6)</b>	Marcus Niin	Supreme Court (Head of Legal Information and Judicial Training Department)	Complete
	Jaan Lõõnik	The Estonian Chamber of Bailiffs and Trustees in Bankruptcy (Kohtutäiturite Täiskogu)	Complete
	Marianne Tiigimaa	Prosecution service	Complete
	Ivika Viil	Estonian Bar Association	Complete
	Pirgit Laurits	Estonian Chamber of Notaries	Complete
<b>Greece (8)</b>	Illias Tsipos	Judicial officer	Complete
	Eftychia Karastathi	Association of Greek Notaries	Complete
<b>Hungary (7)</b>	Dr. Varga Karolina Etelka	Academy of Justice	Complete
<b>Finland (11)</b>	Sari Piironen	Ministry of Justice /Department of Judicial Administration	Complete
	Tuuli Eerolainen	Office of the Prosecutor General, prosecution unit, international affairs	Complete
	Liisa Aro	The Finnish Bar Association	Complete

Member State (number of contacted stakeholders)	Interviews		Timing
	Name	Type/organisation	
	Kaisa Tammi-Moilanen	Prison of Vanajan	Complete
<b>Lithuania (5)</b>	Mikiparaviciene Laima	Chamber of Notaries	Complete
<b>Luxembourg (5)</b>	Schiltz Marc	The General Prosecutor's Office	Complete
<b>Malta (5)</b>	Mallia Michael	Judge, Court of Justice Malta	Complete
<b>Portugal (8)</b>	Jacinto Neto	Solicitors and Enforcement Agents National Association	Complete
	Vitor Peña Ferreira	Prison & probation officer training	Complete
	Joao Arsenio de Oliveira	Ministry of justice	Complete
	Dr. Edgar Taborda Lopes	Judicial Studies Center	Complete
	Helena Leitao	Judicial Studies Center	Complete
<b>Slovakia (5)</b>	Hulla Peter	Director Judicial Academy of Slovak	(Fill the interview out themselves due to lack of knowledge of English)
	Gardon Thomas	Chamber of Notaries of the Slovak Republic	(Fill the interview out themselves due to lack of knowledge of English)
<b>Slovenia (11)</b>	Alenka Kosorok Humar	Bar Academy of Slovenian Bar Association	Complete
	Aleksander Sanca	Chamber of Notaries of Slovenia	Complete
	Nataša Skubic	Ministry of Justice - Judicial Training Centre	Complete
<b>UK (17)</b>	David Walker	Bailiff	Complete
	Sonia Crozier	Probation Service	Complete
Montenegro (1)	Marina Radulović	Judicial Training Centre	Complete
Albania (2)	Ador Koleka	School of Magistrates	Complete
Serbia (1)	Nenad Vujic	Judicial Academy	Complete

# Annex D – Evaluation Matrix

Table 29: Evaluation Matrix

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
<b>Baseline</b>			
What is the baseline against which the implementation of the strategy should be assessed?	[No judgement criteria needed as this section is descriptive]	<ul style="list-style-type: none"> <li><b>Output:</b> The number and type of training activities on EU law provided to justice professionals in 2010 (per target group to the extent possible)</li> </ul>	<ul style="list-style-type: none"> <li>Data used to prepare the Annual Judicial Training Report (2011)</li> <li>2011 European Parliament report on European judicial training</li> <li>CEPEJ Efficiency of Justice report 2012 (using 2010 data)</li> <li>Readily available data on the number and type of training stemming from EU funding programmes (to the extent possible)</li> <li>Data from funding programmes (if available)</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> The number of participants of training activities on EU law in 2010 (per target group to the extent possible)</li> </ul>	<ul style="list-style-type: none"> <li>Readily available data on the number and type of training stemming from EU funding programmes (to the extent possible)</li> <li>CEPEJ Efficiency of Justice report 2012 (using 2010 data)</li> </ul>
		<ul style="list-style-type: none"> <li><b>Result:</b> Justice professionals level of knowledge of EU law, EU judicial cooperation instruments and laws of other Member States in 2010 (or before the implementation of the strategy) (per target group to the extent possible)</li> </ul>	<ul style="list-style-type: none"> <li>Desk research:                             <ul style="list-style-type: none"> <li>2011 EP Report</li> </ul> </li> <li>Interviews with MS authorities</li> <li>Interviews with representative associations for justice professionals</li> </ul>
		<ul style="list-style-type: none"> <li><b>Impact:</b> Degree of mutual trust between the judiciary in cross-border judicial proceedings in 2010 (or before the implementation of the strategy)</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with representative associations for justice professionals</li> <li>Strategic documents:                             <ul style="list-style-type: none"> <li>Hague programme of 2004-2009</li> <li>the Stockholm programme</li> <li>the Communication on the creation of the Justice Forum by the European Commission in 2008.</li> </ul> </li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		<ul style="list-style-type: none"> <li>• <b>Impact:</b> Level of recognition and enforcement of judgments in cross-border matters in 2010 (or before the Strategy)</li> </ul>	<ul style="list-style-type: none"> <li>• Study on the application of Regulation No 44/2001 (2009)</li> <li>• Interviews with representative associations for justice professionals</li> <li>• Special Eurobarometer 351</li> </ul>
<p>What is the origin of the European Judicial Training Strategy?</p>	<p>[No judgement criteria needed as this section is descriptive]</p>	<ul style="list-style-type: none"> <li>• Origins of European Judicial Training Strategy, including reasons for its adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: <ul style="list-style-type: none"> <li>○ EU Strategic documents</li> <li>○ Annual reports on European judicial training</li> <li>○ Evaluations of funding programmes</li> </ul> </li> <li>• Interviews with EU officials</li> <li>• Intervention logic at the time of adoption of the Strategy</li> </ul>
<b>Current Situation</b>			
<p>What is the current situation for the different main stakeholders?</p> <ul style="list-style-type: none"> <li>○ What types of training activities are being held?</li> <li>○ Which areas of law do training activities focus on?</li> </ul>	<p>[No judgement criteria needed as this section is descriptive]</p>	<ul style="list-style-type: none"> <li>• <b>Output:</b> The number and type of training activities on EU law provided to justice professionals in the years 2011 – 2017 (per target group to the extent possible)</li> </ul>	<p>Per year since 2011: Readily available data on the number and type of training stemming from EU funding programmes (to the extent possible):</p> <ul style="list-style-type: none"> <li>• Justice Programme</li> <li>• Erasmus+ programme (in the field of education, life-long-learning, vocational training and the Jean Monnet Activities)</li> <li>• European Social Fund (where support to judicial training is included in some national implementation programmes)</li> <li>• Hercule III programme (in the field of the protection of the financial interests of the EU)</li> <li>• Instrument for Pre-accession Assistance 2014-2020 (IPA II), which provides support to judicial training in candidate countries, potential candidate countries and in some neighbourhood countries (including the Technical Assistance and Information Exchange instrument)</li> <li>• LIFE programme 2014-2020 (the field of environmental law)</li> <li>• Rights, Equality and Citizenship programme</li> <li>• HELP programme</li> </ul> <p>Number and type of training activities provided at national level</p>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
			Targeted questionnaire
		<ul style="list-style-type: none"> <li>• <b>Output:</b> The number of beneficiaries of training activities on EU law in the years 2011-2017 (per target group to the extent possible)</li> </ul>	<p>Per year since 2011: Readily available data on the number of beneficiaries of training activities stemming from EU funding programmes (to the extent possible):</p> <ul style="list-style-type: none"> <li>• Justice Programme</li> <li>• Erasmus+ programme (in the field of education, life-long-learning, vocational training and the Jean Monnet Activities)</li> <li>• European Social Fund (where support to judicial training is included in some national implementation programmes)</li> <li>• Hercule III programme (in the field of the protection of the financial interests of the EU)</li> <li>• Instrument for Pre-accession Assistance 2014-2020 (IPA II), which provides support to judicial training in candidate countries, potential candidate countries and in some neighbourhood countries (including the Technical Assistance and Information Exchange instrument)</li> <li>• LIFE programme 2014-2020 (the field of environmental law)</li> <li>• Rights, Equality and Citizenship programme</li> <li>• HELP programme</li> </ul> <p>Number of beneficiaries of training activities provided at national level</p>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Number of judges involved in judicial exchanges in the years 2011 - 2017</li> </ul>	<ul style="list-style-type: none"> <li>• EJTN data</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Legal areas of focus of training activities</li> </ul>	<ul style="list-style-type: none"> <li>• Annual monitoring reports (DG JUST)</li> </ul>

Measurement criteria	Indicators	Information sources
	<ul style="list-style-type: none"> <li><b>Result:</b> Justice professionals level of knowledge of EU law, EU judicial cooperation instruments and laws of other Member States in 2011-2017 (per target group to the extent possible)</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with representatives of justice professionals</li> <li>General questionnaire</li> </ul>
	<ul style="list-style-type: none"> <li><b>Impact:</b> Degree of mutual trust between the judiciary in cross-border judicial proceedings in the years 2011-2017</li> </ul>	<ul style="list-style-type: none"> <li>Public Consultation (general questionnaire)</li> <li>Interviews with representative associations for justice professionals</li> </ul>
	<ul style="list-style-type: none"> <li><b>Impact:</b> Level of recognition and enforcement of judgments in cross-border matters between 2011-2017</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with representative associations for justice professionals</li> <li>Flash Eurobarometer 385</li> <li>European Commission (2015): Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment</li> </ul>
	<ul style="list-style-type: none"> <li><b>Output:</b> The activities of the EC, including organisation of conferences, production of material, sharing of best practices etc. for the years 2011-2017</li> </ul>	<ul style="list-style-type: none"> <li>Annual monitoring data (DG JUST)</li> </ul>
	<ul style="list-style-type: none"> <li><b>Output:</b> The activities of the EJTN and other training providers</li> </ul>	<ul style="list-style-type: none"> <li>EJTN annual reports</li> <li>EIPA annual reports</li> <li>ERA annual reports</li> <li>CCBE reports</li> <li>CNUE report</li> </ul>
<p>judgement criteria as this section is [ive]</p>	<p>Identification of problems related to the implementation and application of the Strategy based on desk research and perceptions of stakeholders. Problems could be identified with regard to the:</p> <ul style="list-style-type: none"> <li>Governance of the strategy</li> <li>Evolution of the strategy</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with EC officials</li> <li>Interviews with MS authorities</li> <li>Interviews with training providers</li> <li>Interviews with representative associations for justice professionals</li> <li>Desk research: <ul style="list-style-type: none"> <li>Annual reports on European Judicial Authorities</li> </ul> </li> </ul>



Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		<ul style="list-style-type: none"> <li>priorities of stakeholders</li> <li>Etc.</li> </ul>	
<b>Effectiveness<sup>358</sup></b>			
To what extent has the European Judicial Training Strategy been successful in achieving its operational objectives?	The Strategy has contributed to an increased number of judicial training activities in the EU since 2011	<ul style="list-style-type: none"> <li><b>Output:</b> The number of training activities on EU law, funded by EU programmes, has increased since 2011</li> </ul>	Data on number of training projects funded under: <ul style="list-style-type: none"> <li>Justice Programme</li> <li>Erasmus+</li> <li>European Social Fund</li> <li>Hercule III programme</li> <li>LIFE programme</li> <li>Rights, Equality and Citizenship programme</li> <li>HELP programme</li> <li>Instrument for Pre-accession Assistance</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> The number of training activities on EU law, funded nationally, has increased since 2011</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with Ministries of Justice in the MSs</li> <li>Interviews with training providers</li> <li>Data provided by Member States (where readily available)</li> </ul>
	The Strategy has contributed to an overall increase in the number of beneficiaries of (co-funded) training activities and exchanges since 2011	<ul style="list-style-type: none"> <li><b>Output:</b> The number of beneficiaries of training activities on EU law has increased since 2011</li> </ul>	Data on number of beneficiaries of projects funded under: <ul style="list-style-type: none"> <li>Justice Programme</li> <li>Erasmus+</li> <li>European Social Fund</li> <li>Hercule III programme</li> <li>LIFE programme</li> <li>Rights, Equality and Citizenship programme</li> <li>HELP programme</li> <li>Instrument for Pre-accession Assistance</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> The number of beneficiaries of training activities on EU law, funded nationally, has increased since 2011</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with Ministries of Justice in the MSs</li> <li>Interviews with training providers</li> <li>Data provided by Member States (where readily available)</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> The number of beneficiaries of judicial exchanges has increased since 2011</li> </ul>	<ul style="list-style-type: none"> <li>EJTN data on the number of exchanges of judges</li> <li>Data from AIAKOS Programme</li> </ul>
		<ul style="list-style-type: none"> <li><b>Result:</b> Number of Member States where a 2-week exchange is an obligatory part of judicial training and</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with training providers</li> <li>Interviews with MS authorities</li> </ul>

<sup>358</sup> For all answers to the evaluation questions under effectiveness, the reasons for the achievement or not of objectives and the factors contributing to the results will be explained in the analysis.

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		indications (to the extent possible) of an increase since 2010.	
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Stakeholder perception on whether the strategy has been successful in increasing the number of exchanges</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted questionnaire</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Stakeholder perception on whether the strategy has been successful in increasing the number of participants in training activities on EU law.</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted questionnaire</li> </ul>
	The Strategy has contributed to a broad reach of training activities, e.g. by targeting all groups of legal practitioners, increased use of e-learning, integration of EU law into curricula for initial training, mutual recognition of training abroad	<ul style="list-style-type: none"> <li>• <b>Output:</b> Training activities target all groups of justice professionals in a proportionate way (i.e. proportionate to the number of professionals and proportionate to the needs of the target group)</li> </ul>	<ul style="list-style-type: none"> <li>• Data from annual monitoring reports</li> <li>• Data from funding programmes</li> <li>• Interviews with representatives of justice professionals</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Extent to which practitioners generally receive one week training on EU law.</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with representative associations of justice professionals</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Number of Member states where there is an element of EU law in initial training courses for practitioners</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Extent to which the strategy has been successful in ensuring training on EU law is integrated into initial training of justice professionals</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted questionnaire</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Proportion of EU law training that are initial (before start of career and continuous (lifelong learning)</li> </ul>	<ul style="list-style-type: none"> <li>• Annual Judicial Training Reports</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> Extent to which the strategy has been successful in ensuring that training activities attended abroad are recognised for one's national training obligations</li> </ul>	<ul style="list-style-type: none"> <li>• Targeted questionnaire</li> <li>• Interviews with training providers</li> <li>• Interviews with representative associations</li> </ul>
	The Strategy has contributed to an improved capacity of training providers, e.g. by strengthening the EJTN as well as encouraging consortia and PPPs	<ul style="list-style-type: none"> <li>• <b>Output:</b> Number of events organised by the EC and/or MSs that encourage PPPs</li> </ul>	<ul style="list-style-type: none"> <li>• e-Justice Portal</li> <li>• DG JUST annual reports</li> <li>• Annual Judicial Training Reports</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Output:</b> The number of training activities funded by EC programmes that are organised by PPPs</li> </ul>	<ul style="list-style-type: none"> <li>• DG JUST annual reports</li> <li>• Reports of funding programmes: <ul style="list-style-type: none"> <li>○ Justice Programme</li> <li>○ Erasmus+</li> </ul> </li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
			<ul style="list-style-type: none"> <li>○ European Social Fund</li> <li>○ Hercule III programme</li> <li>○ LIFE programme</li> <li>○ Rights, Equality and Citizenship programme</li> <li>○ HELP programme</li> <li>○ Instrument for Pre-accession Assistance</li> </ul>
	<p>The Strategy has contributed to an improved quality of training on EU law, e.g. by developing the e-Justice Portal as support, drafting guidelines on methodologies, sharing of best practice</p>	<ul style="list-style-type: none"> <li>• <b>Output:</b> The extent to which the strategy has contributed to an improved capacity of training providers</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with training providers</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Output:</b> The number of networks set up by training providers (national &amp; cross-border)</li> </ul>		<ul style="list-style-type: none"> <li>• Interviews with training providers</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> Extent to which the strategy has been successful in encouraging consortia or regional groups of national judicial schools to develop common training</li> </ul>		<ul style="list-style-type: none"> <li>• Targeted questionnaire</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> The number of members in the EJTN has increased since 2011</li> </ul>		<ul style="list-style-type: none"> <li>• Desk research, e.g.: <ul style="list-style-type: none"> <li>○ EJTN annual activity reports</li> </ul> </li> <li>• Interview with EJTN</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> Extent to which the strategy has been successful in ensuring that the European e-Justice Portal effectively supports European judicial training</li> </ul>		<ul style="list-style-type: none"> <li>• Targeted questionnaire</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> Number of documents containing guidance on setting up PPPs on the e-Justice Portal</li> </ul>		<ul style="list-style-type: none"> <li>• eJustice portal</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> Number of networking events organised by the EC and/or MSs that allow for training providers to meet</li> </ul>		<ul style="list-style-type: none"> <li>• Annual reports from DG JUST</li> <li>• Interviews with training providers</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> Volume of best practice material available on the eJustice portal</li> </ul>		<ul style="list-style-type: none"> <li>• eJustice portal</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Output:</b> Volume of guidance materials on setting up a training on the eJustice portal</li> </ul>		<ul style="list-style-type: none"> <li>• eJustice portal</li> </ul>	
<p><b>Output:</b> Extent to which training activities on EU law are:</p>	<ul style="list-style-type: none"> <li>• Interviews with representative associations for justice professionals</li> </ul>		

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		<ul style="list-style-type: none"> <li>relevant for stakeholders everyday work;</li> <li>take place during short periods of time and use efficient learning methods</li> </ul>	
		<p><b>Output:</b> The usefulness of the materials contained on the e-Justice Portal based on e.g.</p> <ul style="list-style-type: none"> <li>reuse of materials in training offers</li> <li>use of materials for individual learning</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with training providers</li> <li>Interviews with representative associations for justice professionals</li> <li>websites of training providers (to check for reuse or re-publishing of materials)</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> Number of EC activities/conferences/events with an element promoting eLearning</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with EC officials and training providers</li> <li>Annual Judicial Training Reports</li> <li>Meeting/event minutes</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> Number of materials on the e-Justice Portal promoting eLearning</li> </ul>	<ul style="list-style-type: none"> <li>eJustice portal</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> Extent to which the strategy has been successful in ensuring guidelines on training methodologies are drafted</li> </ul>	<ul style="list-style-type: none"> <li>Targeted questionnaire</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> Existence of high quality projects making use of follow-up techniques, quizzes, forum discussions are promoted in the funding programmes</li> </ul>	<p>Desk research:</p> <ul style="list-style-type: none"> <li>Assessment criteria of funding programmes</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> Extent to which financial support is provided to projects with high quality training and greater EU impact</li> </ul>	<ul style="list-style-type: none"> <li>Targeted questionnaire</li> </ul>
		<p><b>Output:</b> Level of use of modern technology (e.g. e-learning, video conference, online discussion etc.) since 2011 to-date based on:</p> <ul style="list-style-type: none"> <li>Funded projects using modern technology</li> <li>Training provided by private or national providers using modern technology</li> </ul>	<p>Types of training funded through EC programmes:</p> <ul style="list-style-type: none"> <li>Justice Programme</li> <li>Erasmus+</li> <li>European Social Fund</li> <li>Hercule III programme</li> <li>LIFE programme</li> <li>Rights, Equality and Citizenship programme</li> <li>HELP programme</li> <li>Instrument for Pre-accession Assistance</li> </ul> <p>Interviews with training providers Targeted questionnaire</p>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		<ul style="list-style-type: none"> <li><b>Output:</b> Increase in the number of activities conducted by EJTN, EIPA, ERA, EPTA, ELF since 2010</li> </ul>	<ul style="list-style-type: none"> <li>Annual reports of EJTN, EIPA, ERA, EPTA, ELF.</li> <li>Interviews with EU level stakeholders.</li> </ul>
	The Strategy has supported training on legal terminology of foreign languages	<ul style="list-style-type: none"> <li><b>Output:</b> Number of language training activities for judicial professionals funded under EU funding programmes.</li> </ul>	Annual Judicial Training Reports (DG JUST) Reports from training programmes: <ul style="list-style-type: none"> <li>Justice Programme</li> <li>Erasmus+</li> <li>European Social Fund</li> <li>Hercule III programme</li> <li>LIFE programme</li> <li>Rights, Equality and Citizenship programme</li> <li>HELP programme</li> <li>Instrument for Pre-accession Assistance</li> </ul>
		<ul style="list-style-type: none"> <li><b>Output:</b> Number of language training activities for judicial professionals funded under national funding programmes.</li> </ul>	<ul style="list-style-type: none"> <li>Interviews with training providers</li> </ul>
Has the strategy been more effective at achieving some objectives than others?	[No judgement criteria needed as this section is descriptive]	<ul style="list-style-type: none"> <li>Comparison of the results of the above question on the achievement of operational objectives</li> </ul>	<ul style="list-style-type: none"> <li><i>As above</i></li> </ul>
Has the strategy been more effective at targeting training on some areas of law than others?	[No judgement criteria needed as this section is descriptive]	<ul style="list-style-type: none"> <li><b>Output:</b> Legal areas of focus of training activities</li> </ul>	<ul style="list-style-type: none"> <li>Annual Judicial Training Report (DG JUST)</li> </ul>
To what extent has the European Judicial Training Strategy been successful in achieving its specific objectives?	Justice professionals have a good knowledge of EU law including the EU Charter of Fundamental Rights and the European Convention on Human Rights, of EU judicial cooperation instruments and of the laws of other Member States	<ul style="list-style-type: none"> <li><b>Result:</b> Practitioners' level of knowledge of EU law, the EU charter, ECHR, EU judicial cooperation instruments and laws of other Member States</li> </ul>	<ul style="list-style-type: none"> <li>Baseline data</li> <li>Interviews with MS authorities</li> <li>Interviews with training providers</li> <li>Interviews with representative associations for justice professionals</li> </ul>
	Justice professionals trust each other in cross-border judicial proceedings	<ul style="list-style-type: none"> <li><b>Impact:</b> Degree of mutual trust in cross-border judicial proceedings</li> </ul>	<ul style="list-style-type: none"> <li>Baseline data</li> <li>General questionnaire</li> <li>Interviews with representative associations for justice professionals</li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		<ul style="list-style-type: none"> <li>• <b>Impact:</b> Practitioners' attitude towards EU law in their daily practice</li> </ul>	<ul style="list-style-type: none"> <li>• Baseline data</li> <li>• Interviews with representative associations for justice professionals</li> </ul>
	Citizens and businesses benefit from high-quality cross-border proceedings	<ul style="list-style-type: none"> <li>• <b>Impact:</b> Identification of eliminated hurdles or obstacles in applying EU law and consequences on the quality of cross-border proceedings (e.g. delays, mis-application of EU law)</li> </ul>	<ul style="list-style-type: none"> <li>• General questionnaire</li> <li>• Targeted questionnaire</li> <li>• Interviews with MS authorities</li> <li>• Efficiency of justice Reports</li> <li>• Eurobarometer on civil justice</li> </ul>
To what extent has the European Judicial Training Strategy been successful in achieving its general objectives?	Effective implementation of EU law, including correct application and uniform interpretation	<ul style="list-style-type: none"> <li>• <b>Impact:</b> The implementation of EU law, e.g. based on Conformity checking studies and correlation tables and stakeholder perception.</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: monitoring the implementation of EU Law (European Parliament)</li> <li>• Efficiency of justice reports</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Impact:</b> Extent to which the strategy has contributed to the effective implementation of EU law</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews with representative associations for justice professionals</li> <li>• Interviews with EU level stakeholders</li> </ul>
	Strengthened access to justice and legal certainty	<ul style="list-style-type: none"> <li>• <b>Impact:</b> Extent to which access to justice and legal security have been strengthened e.g. based on obstacles for citizens to access justice</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews with representative associations for justice professionals</li> </ul>
<b>Efficiency</b>			
What are the costs and benefits associated with the implementation of the European Judicial Training Strategy?	[No judgement criteria needed as this section is descriptive]	<p><b>Input: Cost-related information needs:</b></p> <ul style="list-style-type: none"> <li>• Public sector bodies (ministries and public training bodies):</li> <li>• Provision of funding, including costs for setting priorities, procurement and monitoring of grants</li> <li>• Transaction costs, incl. development and provision of training, communication with public authorities and other relevant stakeholders</li> <li>• Staff and administration costs in provision of training</li> <li>• Translation costs (if any)</li> </ul> <p>Judges/ justice professionals :</p> <ul style="list-style-type: none"> <li>• Costs for attending training incl. participation fee, travel costs and lost business costs</li> <li>• Costs of materials</li> </ul> <p>Private training providers:</p> <ul style="list-style-type: none"> <li>• Transaction costs, incl. development</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research (to the extent available): <ul style="list-style-type: none"> <li>○ Annual reports on judicial training</li> <li>○ Budget for funding programmes on training</li> <li>○ Data provided by national training providers</li> </ul> </li> <li>• Interviews with EC officials</li> <li>• Interviews with EU level stakeholders</li> <li>• Interviews with Member State authorities</li> <li>• Interviews with representative associations for justice professionals</li> <li>• Interviews with training providers</li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		and provision of training, communication with public authorities and other relevant stakeholders <ul style="list-style-type: none"> <li>• Staff and administration costs in provision of training</li> </ul> <b>Outcome/result: Benefit-related information needs:</b> <ul style="list-style-type: none"> <li>• benefit-related indicators under effectiveness</li> <li>• Organisation of transnational training activities, and meetings at EU level (e.g. in EU conferences, EU grants' events, and EU supported networks)</li> </ul>	
<p>Are the costs and benefits associated with the implementation of the European judicial training strategy proportionate?</p> <p>To what extent are the costs associated with the strategy justified, given the effects it has achieved?</p> <p>How proportionate were the costs of the implementation of the strategy by different stakeholders groups, taking into account the distribution of associated benefits?</p>	<p>The benefits of the strategy exceed the costs</p> <p>The effects of the strategy were achieved at reasonable costs</p> <p>The effects of the strategy could not have been achieved at a lower cost</p>	<ul style="list-style-type: none"> <li>• Weighing up of costs and benefits (as identified above) for each stakeholder group, i.e.:               <ul style="list-style-type: none"> <li>◦ Ministries/public training providers at the federal, state, and regional levels</li> <li>◦ Judges and justice professionals</li> <li>◦ Private training providers</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <i>As above</i></li> </ul>
<p>What factors influenced the efficiency with which the observed achievements were attained?</p>	<p>[No judgement criteria needed as this section is descriptive]</p>	<ul style="list-style-type: none"> <li>• Identification of factors (based on research and stakeholder perception) accounts on factors that may have supported the efficiency of the strategy, e.g.               <ul style="list-style-type: none"> <li>◦ Technology in support of training</li> <li>◦ Use of existing structures and networks</li> <li>◦ Drawing on experience and best practices</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Desk research:               <ul style="list-style-type: none"> <li>◦ Annual reports on judicial training</li> <li>◦ European e-Justice Portal</li> <li>◦ Budget for funding programmes on training</li> <li>◦ Data provided by national training providers</li> </ul> </li> <li>• Interviews with EC officials</li> <li>• Interviews with EU level stakeholders</li> <li>• Interviews with Member States</li> </ul>
<p>What is the potential to reduce inefficiencies and simplify the strategy at both EU and national level?</p>	<p>[No judgement criteria needed as this section is descriptive]</p>	<ul style="list-style-type: none"> <li>• Identification of inefficiencies of the strategy implementation based on an analysis of the costs and benefits (above).</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research (to the extent available):               <ul style="list-style-type: none"> <li>◦ Annual reports on judicial training</li> <li>◦ Budget for funding programmes</li> </ul> </li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
			<ul style="list-style-type: none"> <li>○ on training</li> <li>○ Data provided by national training providers</li> <li>● Interviews with EC officials</li> <li>● Interviews with EU level stakeholders</li> <li>● Interviews with Member State authorities</li> <li>● Interviews with representative associations for justice professionals</li> <li>● Interviews with training providers</li> </ul>
How efficient is the governance structure of the strategy?	The strategy's governance structure is well defined and functioning in an efficient manner.	<ul style="list-style-type: none"> <li>● Costs (input) and benefits (outcome/results) of governance-related activities e.g.: <ul style="list-style-type: none"> <li>○ The organisation, running and participation in the EC annual conference;</li> <li>○ The organisation, running and participation in the Expert Group on European Judicial Training;</li> <li>○ The organisation, running and participation in EJTN plenary meetings;</li> <li>○ The organisation, running and participation in inter-service group meetings.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Desk research: <ul style="list-style-type: none"> <li>○ Minutes of meetings of the expert group and EJTN.</li> <li>○ Minutes of the inter-service group meeting</li> </ul> </li> <li>● Interviews with EC officials</li> <li>● Interviews with EU level stakeholders</li> <li>● Interviews with Member States</li> </ul>
How timely is the strategy's process for reporting and monitoring?	The strategy's request for monitoring data are appropriately timed.	<ul style="list-style-type: none"> <li>● <b>Input:</b> Frequency of request for data/feedback from Member States and training providers</li> <li>● <b>Input:</b> Frequency of monitoring reports</li> <li>● <b>Input:</b> Stakeholder perception on the timeliness of reporting and monitoring</li> </ul>	<ul style="list-style-type: none"> <li>● Desk research: <ul style="list-style-type: none"> <li>○ Data provided by the Commission from the annual reports</li> </ul> </li> <li>● Interviews with Member States</li> <li>● Interviews with training providers</li> <li>● Targeted questionnaire</li> </ul>
How efficient is the strategy's process for reporting and monitoring?	The questions contained in the annual questionnaire sent to training providers for the purposes of monitoring are considered relevant by stakeholders	<ul style="list-style-type: none"> <li>● <b>Input:</b> Stakeholder opinion on the process for monitoring including the annual questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>● Targeted questionnaire</li> <li>● Interviews with training providers</li> </ul>
	The questions contained in the annual questionnaire sent to training providers for the	<ul style="list-style-type: none"> <li>● <b>Input:</b> Stakeholder opinion on the process for monitoring including the annual questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>● Targeted questionnaire</li> <li>● Interviews with training providers</li> </ul>



Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
	<p>purposes of monitoring bring value to the monitoring process</p> <p>The cost of the reporting and monitoring does not outweigh its benefits</p>	<ul style="list-style-type: none"> <li>• <b>Input:</b> Costs for the monitoring and reporting process, including staff costs at national and EU level</li> <li>• <b>Outcome/result:</b> Benefits the monitoring and reporting process, e.g. based on instances in which changes were made based on the documentation, quality of the indicators used (gaps, unnecessary indicators), perceptions of stakeholders</li> <li>• Comparison of costs and benefits, including based on stakeholder perception</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: <ul style="list-style-type: none"> <li>◦ Data provided by the Commission from the annual reports</li> </ul> </li> <li>• Interviews with Member State authorities</li> <li>• Interviews with training providers</li> <li>• Targeted questionnaire</li> </ul>
<p>Are the funds associated with the implementation of the current strategy sufficient for the current training needs and problems of the justice professions? At EU-level? At national level?</p>	<p>The funds associated with the implementation of the current strategy are sufficient for the current training needs and problems of justice professions</p>	<ul style="list-style-type: none"> <li>• Identification of the current needs and problems for justice professionals (based on assessment of relevance below)</li> <li>• Comparison of the training needs to the training activities funded by the EC</li> <li>• Identification of gaps in the training offer based on a lack of funding</li> <li>• Perception of stakeholders and expert judgement<sup>359</sup> on the appropriateness of the beneficiaries and actions covered in the funding programmes for meeting the training needs and problems.</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: <ul style="list-style-type: none"> <li>◦ Funding programmes</li> <li>◦ Data provided by national training providers</li> </ul> </li> <li>• Interviews with Member State authorities</li> <li>• Interviews with training providers</li> <li>• Targeted questionnaire</li> </ul>
<b>Relevance</b>			

<sup>359</sup> Because of the lack of a comparable baseline, the team will make use of expert judgement (Deloitte experts + external experts) to conclude on the efficiency of the Strategy.

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
<p>What are the practice needs of justice professionals? Have they evolved over time? If so, how?</p>	<p>[No judgement criteria needed as this section is descriptive]</p>	<p>Identification of the needs of the justice professionals in EU on judicial training concerning:</p> <ul style="list-style-type: none"> <li>• The content of training;</li> <li>• The mode of training (e.g. use of e-learning, classroom or blended, exchanges)</li> <li>• Length and timing of training;</li> <li>• Target audience of training activities and the appropriate segmentation of target groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Desk Research: <ul style="list-style-type: none"> <li>◦ The strategy</li> <li>◦ Evaluations of funding programmes</li> </ul> </li> <li>• Interviews with justice professionals (and/or their representatives)</li> <li>• General questionnaire</li> <li>• Targeted questionnaire</li> <li>• EU Training providers' annual activity reports</li> </ul>
		<p>Identification of evolution of these needs (above) since 2011 and the reasons for such evolution</p>	<ul style="list-style-type: none"> <li>• Interviews with EU level stakeholders</li> <li>• Policy documents on focus areas for policy in the area of justice</li> <li>• Interviews with representatives of justice professionals</li> </ul>
<p>To what extent do the objectives of the European Judicial Training Strategy still address current training needs of the justice professions within the EU?</p>	<p>The core objectives of the strategy still correspond to the current needs within the EU and for justice professionals.</p>	<ul style="list-style-type: none"> <li>• Stakeholder perception on whether their needs are met by the strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews with training providers</li> <li>• Interviews with representative associations for justice professionals</li> <li>• General questionnaire</li> </ul>
		<ul style="list-style-type: none"> <li>• Comparison of the strategy's objectives with the needs, including based on: <ul style="list-style-type: none"> <li>◦ Analysis of the previous points</li> <li>◦ Identification of activities that are not relevant</li> <li>◦ Identification of gaps in training offers</li> <li>◦ Extent to which objectives and training offers are tailor-made towards specific groups of stakeholders</li> </ul> </li> <li>• Stakeholders' perceptions on the relevance of the current objectives</li> </ul>	<ul style="list-style-type: none"> <li>• <i>As above</i></li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		and offer	
How relevant is the strategy to the different stakeholders, including EU citizens?	[No judgement criteria needed as this section is descriptive]	<ul style="list-style-type: none"> <li>• Indications that the strategy is more relevant to some stakeholder groups than others based on the above analysis</li> </ul>	<ul style="list-style-type: none"> <li>• <i>As above</i></li> </ul>
Is the geographical coverage of the strategy adequate in relation to the objectives?	The objectives of the strategy are adequately met with the current geographical coverage of the strategy	<ul style="list-style-type: none"> <li>• Perception of stakeholders on the need to further expand coverage of the strategy to countries outside the EU, including neighbouring or candidate countries;</li> <li>• Assessment of the needs and benefits of training on EU law from 3rd countries (Western Balkans)</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: <ul style="list-style-type: none"> <li>◦ EU strategic documents</li> <li>◦ Reports of peer reviews</li> <li>◦ EU Justice Scoreboard</li> </ul> </li> <li>• Interviews with MS authorities</li> <li>• Interviews with training providers</li> <li>• Interviews with justice professionals</li> <li>• Interviews with 3rd countries (Western Balkans)</li> </ul>
<b>Coherence</b>			
To what extent is the strategy coherent internally i.e. to what extent have the elements of the European Judicial Training Strategy worked well together and between themselves?	The strategy's elements and objectives are coherent internally and vis-à-vis each other	<ul style="list-style-type: none"> <li>• Indications of contradictions or overlaps between the different objectives of the strategy, internally and vis-à-vis each other</li> <li>• Indications of contradictions or overlaps between the different inputs of the strategy, internally and vis-à-vis each other</li> <li>• Stakeholder perceptions regarding internal coherence of the Strategy's elements</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: <ul style="list-style-type: none"> <li>◦ Annual Judicial Training Reports</li> </ul> </li> <li>• Analysis of the EU judicial training strategy</li> <li>• Interviews with EU level stakeholders (including EC officials)</li> </ul>
To what extent is the strategy coherent externally with other EU interventions relating to application of EU law?	The Strategy is coherent with other EU policies that have similar objectives and/or are complementary. The strategy is coherent with other EU interventions relating to the application of EU law.	<ul style="list-style-type: none"> <li>• Based on the analysis of the objectives and inputs, as well as stakeholder perceptions, existence of: <ul style="list-style-type: none"> <li>◦ Overlaps</li> <li>◦ Synergies</li> <li>◦ Contradictions</li> <li>◦ Gaps</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: <ul style="list-style-type: none"> <li>◦ Analysis of the EU judicial training strategy in comparison to other instruments</li> </ul> </li> <li>• Interviews with EU level stakeholders (including EC officials) and training providers</li> </ul>
Is the strategy complementary to national judicial training policies?	The strategy complements national judicial training policies in the Member States	<ul style="list-style-type: none"> <li>• The objectives of the strategy are in line with national policies concerning the priorities, material focus and target group of judicial training</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• General questionnaire</li> <li>• Targeted questionnaire</li> </ul>
What external factors and policy developments at national and EU level, directly and indirectly linked to the European judicial training strategy, have most influenced	[No judgement criteria needed as this section is descriptive]	<ul style="list-style-type: none"> <li>• Stakeholders' accounts on external factors/policy developments that may have supported the progressing towards the objectives, including e.g.</li> <li>• Activities of the EJM networks: civil +</li> </ul>	<ul style="list-style-type: none"> <li>• Desk research: relevant policy documents in the field of justice</li> <li>• General questionnaire</li> <li>• Targeted questionnaire</li> <li>• Interviews with EU level stakeholders</li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
progress?		criminal. <ul style="list-style-type: none"> <li>• National legislation or non-legislative measures adopted relating to judicial training</li> <li>• Technological developments</li> <li>• Response to topical training priorities or crisis</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews</li> <li>• Validation Workshop</li> </ul>
<b>EU added-value</b>			
What is the added-value delivered by the European judicial training strategy and its implementation, over and above what could reasonably have been expected from national interventions in the Member States alone?	The positive results could not have been achieved through national interventions alone without the strategy	Indication from stakeholders that Member States could not have achieved the same results through national interventions only e.g.: <ul style="list-style-type: none"> <li>• Because of a lack of funding</li> <li>• Because of misalignment of priorities for EU law training at national level</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews with training providers</li> </ul>
Are there clear benefits from EU level action?	There are clear benefits from EU level action through the strategy.	Indication of advantages of the EU intervention such as: <ul style="list-style-type: none"> <li>• The results could not have been achieved to the same level without EU intervention (taking into account the effectiveness, efficiency and sustainability of the strategy)</li> <li>• The issues addressed by the intervention continue to require action at EU level</li> <li>• The situation (in terms of increased knowledge on EU law, mutual trust and judicial cooperation) has improved since the implementation of the strategy</li> <li>• The benefits to the strategy as identified under the questions on effectiveness</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews with training providers</li> </ul>
What would be the most likely consequences of withdrawing the strategy?	[No judgement criteria needed, as this part is descriptive]	Based on other existing and planned initiatives and stakeholders' accounts: likely consequences of withdrawing the strategy, e.g. on the following points: <ul style="list-style-type: none"> <li>• Quality and reach of training offer on EU law</li> <li>• Level of knowledge on EU law, mutual trust and judicial cooperation in cross-border situations</li> <li>• Application of EU law in cross-border proceedings</li> <li>• Number of cross-border training</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with MS authorities</li> <li>• Interviews with training providers</li> </ul>

Evaluation/Analytical questions	Judgement criteria	Indicators	Information sources
		activities <ul style="list-style-type: none"> <li>• EU-level networking between training providers of the different justice professions</li> </ul>	
<p>To which extent has the implementation of the strategy a lasting effect on the direct beneficiaries and other main stakeholders?</p>	<p>The implementation of the strategy has had a lasting effect on the direct beneficiaries (justice professionals) and other main stakeholders (i.e. training providers).</p>	<p><b>Impact:</b> Identification of the effects of the strategy, based on desk research and perceptions of stakeholders concerning:</p> <ul style="list-style-type: none"> <li>• The use of learning in subsequent work</li> <li>• A change in attitude towards EU law</li> <li>• The training offer at national and EU level</li> <li>• The level of knowledge on EU law</li> <li>• The level of mutual trust and cooperation between justice professionals in the Member States demonstrated through e.g.:</li> <li>• Setting up and using new networks (social media, mailing lists etc.) to communicate with judges cross-border</li> <li>• Setting up and using alumni association of training attendees</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with training providers</li> <li>• Interviews with representative associations for justice professionals</li> <li>• General questionnaire</li> <li>• Targeted questionnaire</li> <li>• Validation workshop</li> </ul>
<p>What are the existing factors or potential factors that might be linked with sustainability?</p>	<p>[No judgement criteria needed, as this part is descriptive]</p>	<p><b>Impact:</b> Identification of positive and negative factors contributing to sustainability based on desk research and perceptions of stakeholders, e.g.:</p> <ul style="list-style-type: none"> <li>• Time for training seen as an investment</li> <li>• High quality of training</li> <li>• Extent to which training is tailor-made to specific groups of participants (e.g. existence of different offers depending on profile and prior knowledge)</li> <li>• Follow-up activities assessing the learning of participants</li> <li>• Target audience: training of multipliers for ex</li> <li>• Re-use of training material</li> <li>• Continuity of network</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with training providers</li> <li>• Interviews with representative associations for justice professionals</li> <li>• General questionnaire</li> <li>• Targeted questionnaire</li> <li>• Validation workshop</li> </ul>

# Annex E – Evolution of the number of legal practitioners trained relative to their overall population

This annex presents the comparison by legal profession between the proportion of legal practitioners trained and the population.

Figure 28: Proportion of judges trained and their overall population in the EU

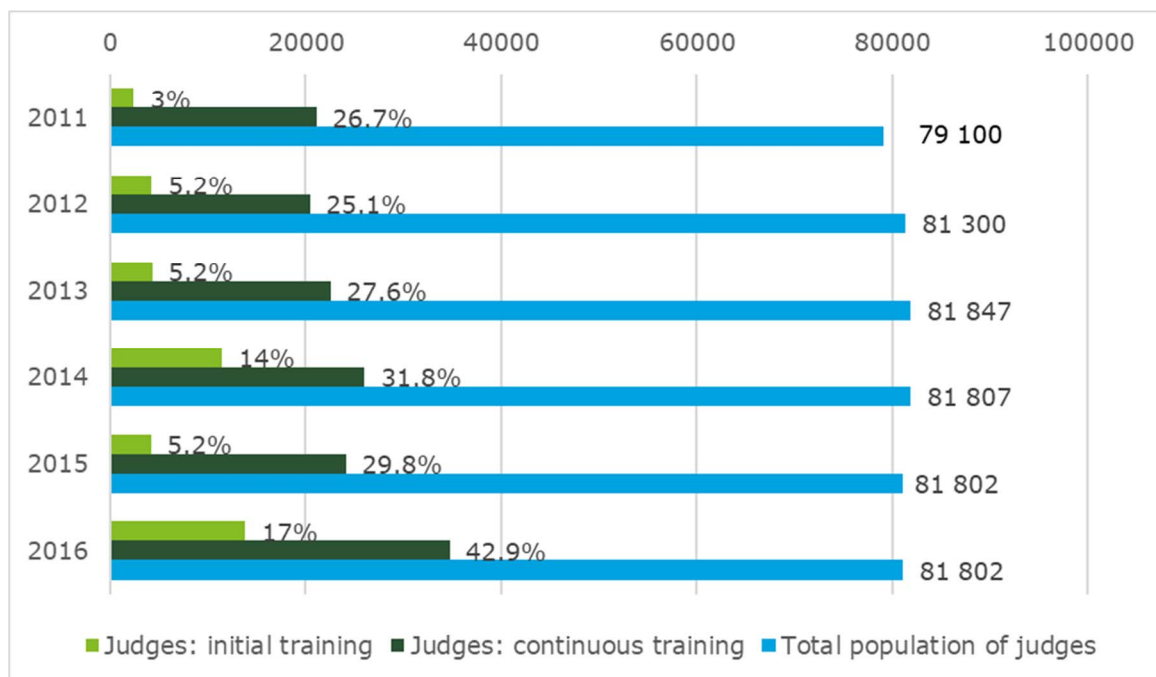


Figure 29: Proportion of prosecutors trained and their overall population in the EU

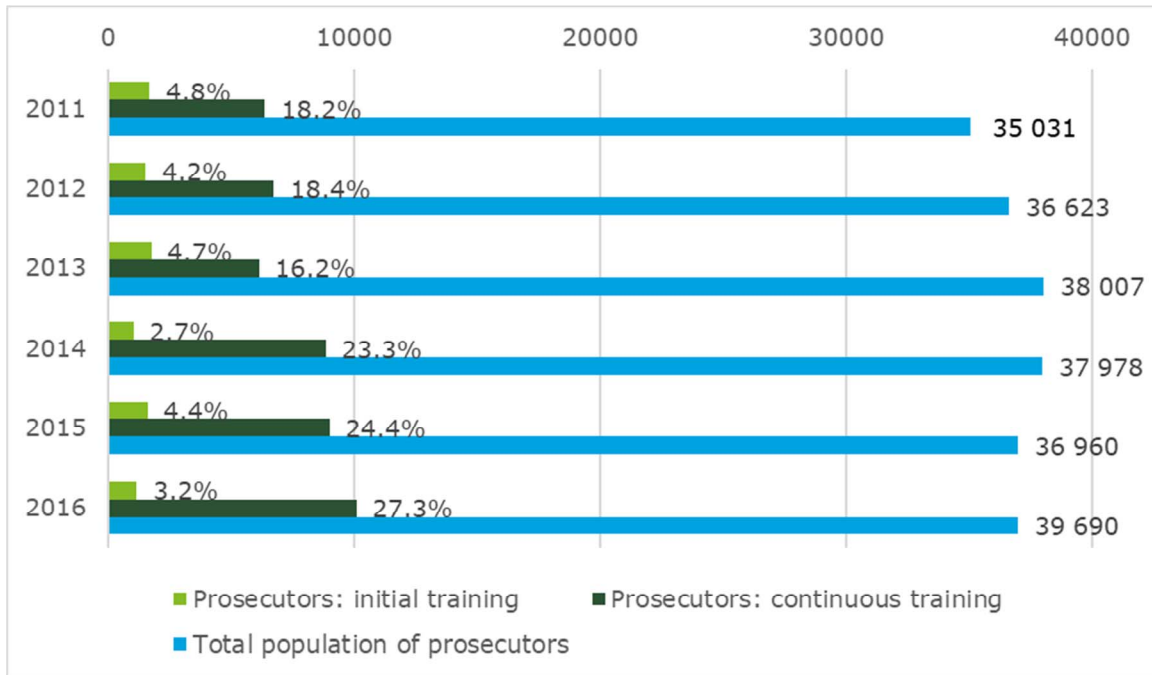


Figure 30: Proportion of court staff trained and their overall population in the EU

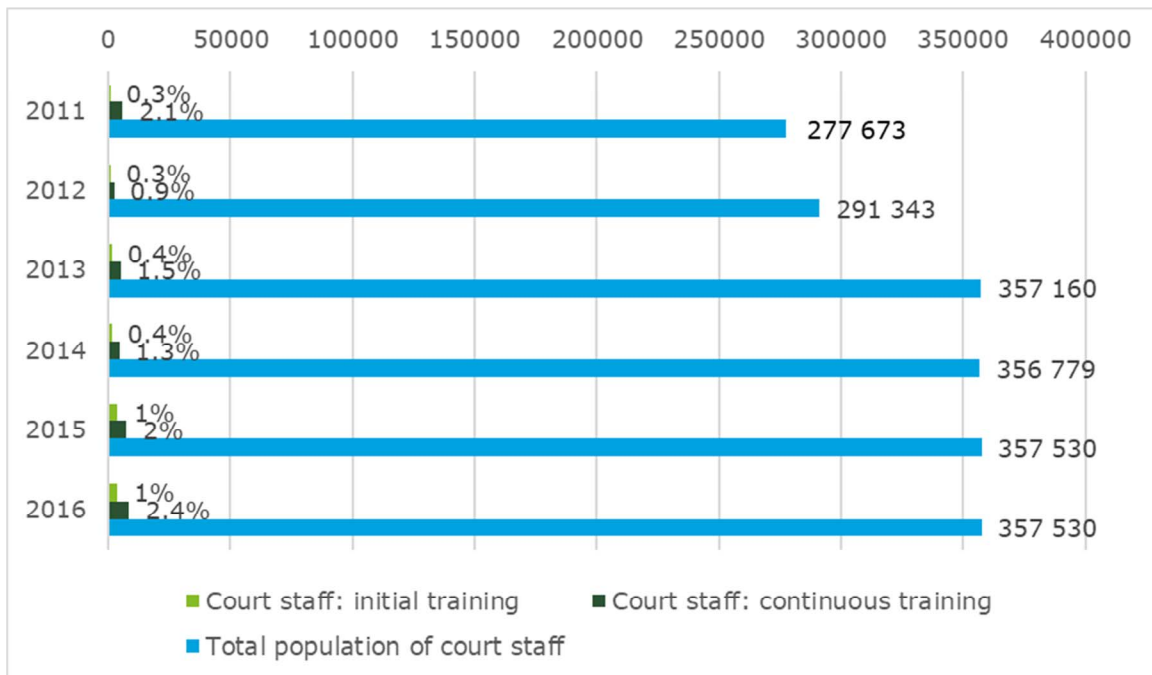


Figure 31: Proportion of lawyers trained and their overall population in the EU

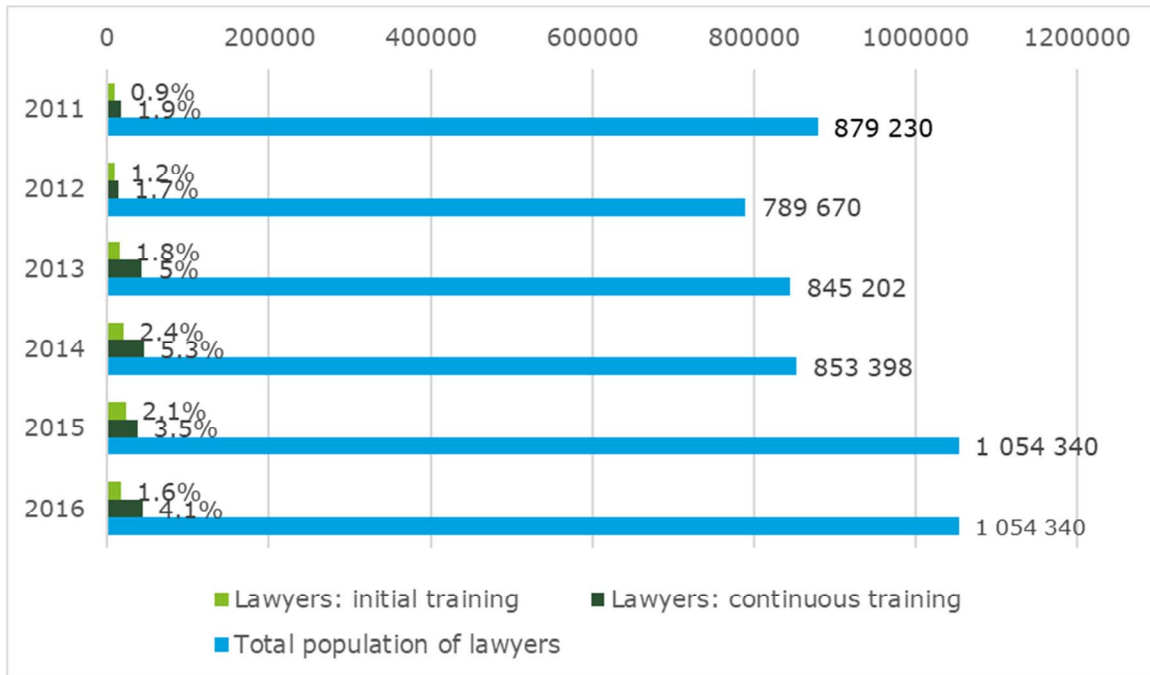


Figure 32: Proportion of bailiffs trained and their overall population in the EU

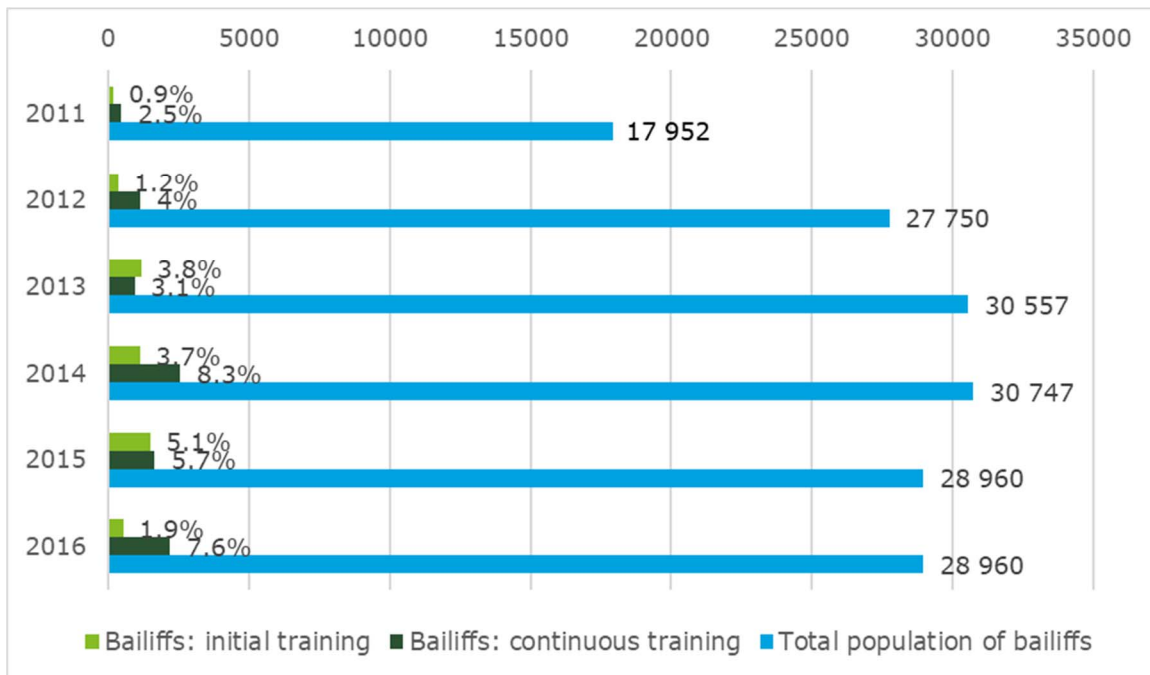
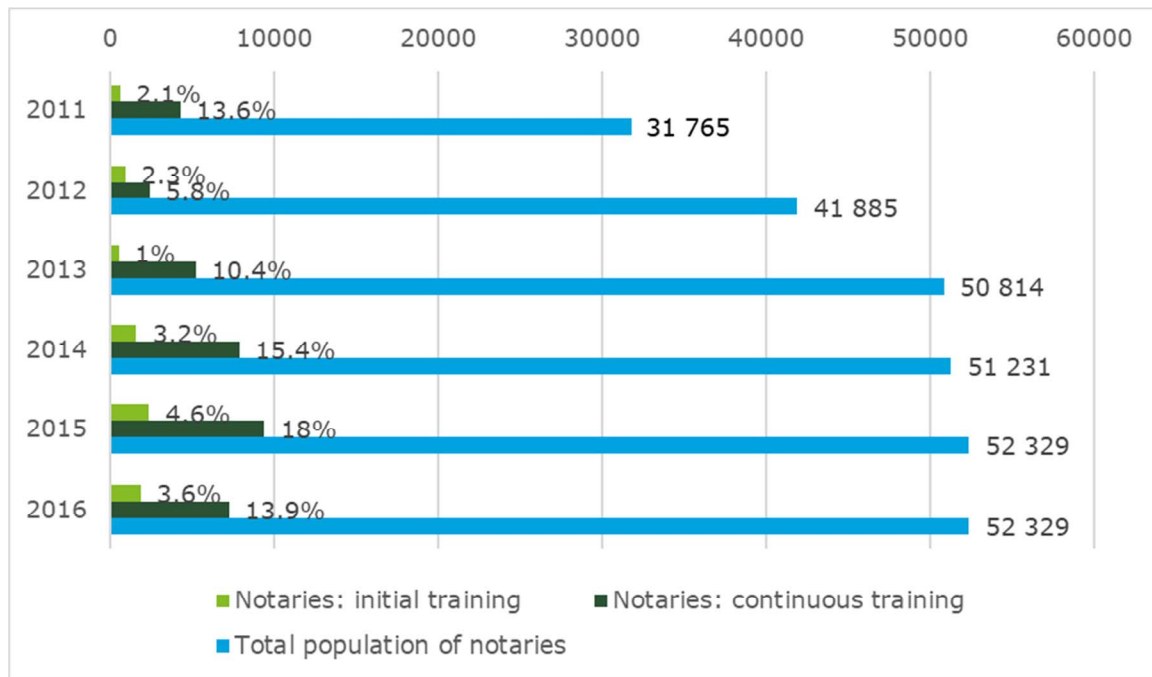




Figure 33: Proportion of notaries trained and their overall population in the EU



## Annex F – REFIT table

<i>I. Overview of costs – benefits identified in the evaluation</i>					
	European Commission	Member State administrations	Training providers	Employers of legal professionals / self-employed legal professionals	Legal practitioners
	Quantitative / monetary	Qualitative	Qualitative	Qualitative	Qualitative
<b>Costs resulting directly from the Strategy</b>	<p><b>Tasks related to the governance of the Strategy:</b> Staff costs and expenses of around €2 million over the period 2011 to 2017 for DG JUST.</p> <p><i>Limitations: The cost estimate does not take into account the costs for maintaining the e-Justice Portal as the costs are not possible to break down at the level of the training section.</i></p>	<p><b>Developing own strategies in line with the EJTS, coordination efforts:</b></p> <ul style="list-style-type: none"> <li>- MS that have taken relevant actions (e.g. BE, FR, DE): Costs not significant according to anecdotal information</li> <li>- MS that have not taken any action (e.g. UK , IE): No costs</li> </ul> <p><i>Limitations: Information on actions taken is not available for all MS. The MS consulted were not able to provide quantitative data concerning the efforts associated with the actions taken.</i></p>	<p><b>Costs for monitoring and reporting:</b> Training providers need to provide data for the annual report on the Strategy. No information on the time required / associated costs is available, but the efforts do not seem overly burdensome based on anecdotal information.</p>	<p>Employers and self-employed legal professionals in some cases need to bear the costs of participation fees and travel.</p> <p>They also face costs due to lost working time.</p> <p>No quantitative information concerning the extent of these costs is available.</p>	<p>Legal practitioners face a loss of working time when participating in training activities.</p>
<b>Costs related to activities supporting the Strategy</b>	<p><b>Provision of funding for training of legal practitioners:</b> app. €385 million from 2011 to 2017 for the Justice Programme, REC, Erasmus+ (Jean Monnet), LIFE and Hercule III.</p> <p><i>Limitations: Information for IPA will be added. Training is not specifically reported on under ESF. Costs for Commission DGs managing these funds are not</i></p>	<p><b>Member States fees and national funding programmes:</b> Only patchy information is available concerning MS fees and national funding programmes. The data available for the EJTN indicates a total amount of around €2.5 million in fees paid by all MS combined between 2011 and 2017.</p>	<p><b>Costs for project applications:</b> No quantitative data allowing aggregation is available, but those training providers obtaining funding need to spend time in relation to the application. Some stakeholders abstained from applying due to this burden.</p>		

<i>I. Overview of costs – benefits identified in the evaluation</i>					
	European Commission	Member State administrations	Training providers	Employers of legal professionals / self-employed legal professionals	Legal practitioners
	Quantitative / monetary	Qualitative	Qualitative	Qualitative	Qualitative
	<i>available.</i>				
<b>Cost-benefit ratio</b>	<p>The Commission is a net bearer of costs; there are no specific benefits for the Commission as such.</p> <p>The costs seem to be proportionate in terms of the tasks carried out.</p>	<p>Increased training of legal professionals (830 000 across the EU) and improved knowledge of EU law ultimately has a positive impact on the quality of legal proceedings in the Member States. Available sources, however, do not measure the impacts of training of legal professionals on the quality of legal proceedings.</p> <p>The benefits for the MS in terms of increased legal training and the expected improved quality of legal proceedings are proportionately much larger than the expected costs.</p>	<p>Training providers act as intermediaries. The costs for providing training are generally covered by funding programmes or fees paid by the participants and their costs and benefits are thus normally balanced out. As concerns funding, only procurement allow for profits. Overall, the training providers have received increased funding since 2011. The available data is patchy, but based on information from three training providers, funding seems to have doubled since 2011 for those providers information has been obtained for. They have, as a consequence, increased their capacity to deliver training. Quantitative information from one training provider shows that this provider has become more efficient in delivering training since 2011. Whilst the budget increased (+73%), the number of participants increased even more (+137%) and the cost-to-serve thus decreased (-28%).</p>	<p>Ideally, as a result of the training attended, participants should be able to carry out their tasks more effectively and efficiently, thus leading to a positive cost-benefit relationship. However, no information concerning this has been obtained.</p>	<p>Employed legal practitioner are net beneficiaries and benefit from increased know-how concerning EU law. In total 830 000 legal practitioners have participated in training since 2011. Over the 7 years, all legal practitioners, with the notable exception of court staff, have reached the annual 5% target of trained practitioners per profession, which is required so that the objective of training 50% of the legal practitioners over the 10 years is reached.</p>

