



Council of the  
European Union

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**NOTE**

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From: Presidency  
To: CATS

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Subject: Draft Council Conclusions "Training of legal practitioners: an essential tool to consolidate the EU acquis"  
- First exchange of views

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Delegations will find attached draft Council conclusions on Judicial Training. The Presidency intends having a first exchange of views on these conclusions at the meeting of CATS on 22-23 October 2014.

**Draft Council Conclusions**

**"Training of legal practitioners:  
an essential tool to consolidate the EU acquis"**

*Justice and Home Affairs Council meeting  
Brussels, 4 and 5 December 2014*

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

The Council Resolution on the training of judges, prosecutors and judicial staff in the European Union (2008/C 299/01);

Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the European Union regarding the support to training of the judiciary and of judicial staff in civil and criminal matters;

The 2010 Magna Carta of Judges of the Consultative Council of European Judges of the Council of Europe, which highlights that training and in-service training is a right and a duty for judges and that training is an important element to safeguard the independence of judges as well as the quality and efficiency of the judicial system (CCJE (2010)3 Final);

The European Commission Communication "Building trust in EU-wide Justice – A new dimension to European judicial training" (COM (2011) 551 final);

The Council conclusions of 27 October 2011 on European judicial training (2011/C 361/03);

The European Commission Communication "EU Justice Agenda for 2020 - Strengthening Trust, Mobility and Growth within the Union" (COM (2014)144 final);

The European Council Strategic Guidelines for the area of freedom, security and justice of 27 June 2014 stating that "further action is required [...] to enhance training for practitioners" (EUCO 79/14);

UNDERLINES that:

Justice has become a mature EU policy with the entry into force of the Lisbon Treaty; the European Area of Justice must now be consolidated; training is a key tool in order to ensure rights granted by EU legislation become a reality, for the effectiveness of the justice systems in the Member States and for legal practitioners to trust each other's justice systems. This in turn should help to ensure smooth cross-border proceedings and recognition of judgements;

WELCOMES:

1. That more than 200,000 legal practitioners, whether judges, prosecutors, court staff, lawyers, notaries or bailiffs, took part in training in EU law between 2011 and 2013, as shown by the Commission yearly reports on European judicial training;
2. The dissemination of good training practices for judges, prosecutors, lawyers and court staff and the recommendations to improve training of these professions, resulting from the Pilot Project on European judicial training proposed by the European Parliament in 2012 and implemented by the Commission in 2013 and 2014;
3. The adoption of the Justice Programme<sup>1</sup> for the period 2014-2020 that shall support and promote judicial training with a view to fostering a common legal and judicial culture and that allocates 35% of its global budget, i.e. EUR 132 million, to this objective;

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<sup>1</sup> Regulation No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014-2020 OJ L 354, 28.12.2013, p. 73.

4. The increased participation of judges and prosecutors in exchanges and cross-border training activities in the past years, under the coordination of the European Judicial Training Network (EJTN);

ACKNOWLEDGES that:

1. While the situation is improving, more needs to be done to reach the ambitious but realistic target that half (around 700 000) of all legal practitioners should attend training in EU law between 2011 and 2020;
2. Training needs of legal practitioners are still not fully met and the situation varies between legal professions and Member States;
3. Good practices need to be widely disseminated, updated, re-used and shared across legal professions;
4. Legal practitioners still face obstacles to taking part in training activities, such as the lack of time, budget, or the lack of training courses provided which comprise EU law ;
5. The EJTN is the legitimate and best placed EU-level body to coordinate national judicial training providers and to develop the cross-border training offer for judges and prosecutors; it has received increasing co-funding support from the European Union over the past years;

CALLS ON THE NATIONAL JUDICIAL TRAINING PROVIDERS AND THE TRAINING PROVIDERS OF THE LEGAL PROFESSIONS TO:

1. Integrate systematically training in EU law and in particular in the Charter of Fundamental Rights of the European Union in initial and continuous training activities on national law;
2. Follow-up on best practices and recommendations resulting from the Pilot Project on European judicial training, where relevant;
3. Ensure that cross-border training activities in EU law in another Member State are recognised as fulfilling national training obligations, where these exist;

4. Improve the collection of reliable data on training and put in place a reporting mechanism regarding the participation of legal practitioners in training activities in EU law or the law of another Member State and share data with the Commission to improve further the accuracy of the yearly reporting on European judicial training and thereby monitor progress against the 2020 goal;

**CALLS ON THE MEMBER STATES TO:**

1. Translate the priority of the June 2014 **European Council** Conclusions on legal practitioners' training into concrete measures by:
  - allocating the necessary budgetary resources for the development of an adequate training offer and
  - enabling legal practitioners to participate in the offered training activities;
2. Increase their financial support to the EJTN, via the national judicial training providers' membership fees, to match the EU's contribution and enable the network to develop further its activities such as exchanges and cross-border training;
3. Support the collection of reliable data in this area;

**INVITES THE EUROPEAN COMMISSION TO:**

1. Prepare a recommendation on the quality of training covering all legal professions, building namely upon the good work of the EJTN and the results of the Pilot Project on European judicial training;
2. Continue reporting and providing data, in particular on the participation of legal practitioners in training in EU law and in the law of other Member States;
3. Organise regular EU-level meetings with the stakeholders in order to take stock of progress and prepare further improvements of European judicial training;

4. Organise a specific EU-level meeting with the stakeholders in order to map existing training, identify possible gaps and propose improvements concerning training in the Charter of Fundamental Rights of the European Union focusing in particular on training of the judiciary, legal practitioners and public authorities;
5. Encourage the organisation by more providers, whether public or private, of quality training in EU law for legal professions;
6. Address the particular issue of court staff training, including in terms of improving training in EU law of the court staff whose duties comprise elements of EU law and of facilitating the cross-border cooperation of court staff training providers where relevant;
7. Increase progressively, as foreseen in the 2014-20 Justice financial programme, the financial support to the European Judicial Training Network, which is the essential tool to improve the training of judges and prosecutors in the EU;
8. Increase the financial support to cross-border training projects, as foreseen in the 2014-20 Justice financial programme, while reducing the administrative burden for the beneficiaries;
9. Continue developing the training section of the European e-Justice Portal, as a tool to further develop European judicial training.

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