



Brussels, 17 November 2014
(OR. en)

15334/14

JAI 853
JUSTPEN 4
JUSTCIV 283

NOTE

From: Presidency
To: JHA Counsellors

Subject: Draft Council Conclusions "Training of legal practitioners: an essential tool to consolidate the EU acquis"
- Revised draft

On 16 October 2014, the Presidency distributed draft Council conclusions on judicial training (doc. 14409/14).

CATS and the Civil Law Committee held an exchange of views on these draft conclusions on 23 October and 12 November, respectively.

Following a request by the Presidency, 8 delegations (DE, FR, HR, HU, PL, SI, SK, UK), provided also comments in writing and drafting suggestions.

In the light of the exchange of views in CATS and in the Civil Law Committee, and taking full account of the above mentioned written comments and drafting suggestions, the Presidency has revised the draft Council conclusions. This revised text is set out in the Annex; modifications, compared to the former text, have been highlighted by **bold** and (...).

As regards the most contentious issue, namely the call on the Member States to "increase" their financial support to the EJTN, several Member States suggested to put "maintain" instead of "increase". The Presidency notes, however, that under the system of co-financing, if the Commission increases further the financial support by the Union for the EJTN to carry out more activities with more participants, the EJTN's own contribution should be increased as well, which means that the Member States should increase their financial support. The Presidency also notes that the increase requested from Member States is on average about 2000 euros per Member State per year, which seems to be a reasonable amount. In order to find a compromise, however, the Presidency suggests putting "*consider increasing, but at least maintain*".

The Presidency intends discussing the revised text during a meeting of the JHA Counsellors (mixed criminal law and civil law), on Wednesday 19 November in the LEX building, room 60 AC 60, as from 14h00.

Subsequently to the discussion in the meeting of JHA Counsellors, the text will be submitted for adoption, via Coreper on 26 November, to the JHA Council meeting on 4/5 December 2014.

Draft Council Conclusions

**"TRAINING OF LEGAL PRACTITIONERS:
AN ESSENTIAL TOOL TO CONSOLIDATE THE EU ACQUIS"**

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

The Communication from the Commission to the European Parliament and the Council of 29 June 2006 on Judicial Training in the European Union (COM (2006) 356 def.);

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 **Union** 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 **initial** 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 Parliament resolution of 14 March 2012 on judicial training (2012/2575(RSP));

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:

Judges and prosecutors, as well as other legal practitioners, play a fundamental role in guaranteeing respect for the law of the European Union;

Justice, including judicial cooperation, 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 **that** rights granted by EU legislation become a reality, **that** the effectiveness of the justice systems in the Member States **increases** and **that** legal practitioners trust each other's justice systems. This in turn should help to ensure smooth cross-border proceedings and recognition of judgements;

WELCOMES:

1. The **fact** that more than 210,000 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, financed by the European Commission **and implemented also with the collaboration of the European Judicial Training Network (EJTN) in 2013 and 2014;**

3. The adoption of the Justice Programme ¹ for the period 2014-2020, **which** 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;
4. The increased participation of judges and prosecutors in exchanges and **other** cross-border training activities **that were performed, facilitated and coordinated** by the EJTN **in the past years**;

ACKNOWLEDGES that:

1. While the situation is improving, more needs to be done to reach the ambitious (...) 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; ²
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, **e.g. because of the lack of time or budget, the lack of training courses which include EU law, or the lack of legal language skills that are necessary to take part in cross-border training activities**; ³

¹ 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.

² 2012 Commission report on European judicial training, ISBN 978-92-79-33680-5.

³ http://ec.europa.eu/justice/criminal/files/european_judicial_training_annual_report_2012.pdf

European Parliament's 2011 study on judicial training in the European Union, PE 453.198. 2013-2014 pilot project on European judicial training: lot 2 on "State of play of training of lawyers in EU law, identification of best practices and recommendations for improvement" (ISBN 978-92-79-39858-2) and lot 3 on "State of play of training of court staff in EU law and promotion of cooperation between training providers at EU level" (ISBN 978-92-79-39859-9).

5. The EJTN is the (...) best placed EU-level body to coordinate, **through its members**, national training **activities** and to develop a 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 **at national level, where necessary for the proper discharge of judicial or professional functions**;
2. Follow-up on best practices and recommendations resulting from the Pilot Project on European judicial training, where relevant;
3. **Facilitate** that cross-border training activities in EU law in another Member State are recognised as fulfilling national training obligations, where these exist;
4. Improve, **where necessary**, the collection of reliable data on training and (...) share **these** data with the Commission, **so as to allow the latter** to further improve the accuracy of the yearly reporting on European judicial training and thereby monitor progress against the 2020 goal;
5. **Support the coordination of training provided by national organisations of liberal legal professions through their respective EU level bodies, like CCBE, CNUE or ECBA**;

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. **Consider increasing, but at least maintain** their financial support to the EJTN, **taking into account the EJTN legal framework and Member States' direct co-financing of certain EJTN training in line with relevant training needs, in order** 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. **Consider preparing** a recommendation on the quality of training covering all legal professions, **drawing on available expertise in the Member States and among stakeholders, and** building (...) upon the good work of the EJTN and the results of the Pilot Project on European judicial training;
2. Continue reporting and providing data (...) 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 **involved in training of legal practitioners** in order to take stock of progress and prepare further improvements of European judicial training **if necessary**;

4. Organise a specific EU-level meeting with the stakeholders in order to map the existing training **activities**, identify possible gaps and propose improvements, (...) focusing in particular on training of legal practitioners and public **officials applying the Charter of Fundamental Rights of the European Union**;
5. Encourage the organisation by **training** providers, whether public or, **if appropriate**, private, of **more high quality and cost-efficient** 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 an **efficient** tool to further develop European judicial training.