



Council of the
European Union

Brussels, 26 November 2014
(OR. en)

16142/14

JAI 962
JUSTPEN 6
JUSTCIV 312

"A" ITEM NOTE

From: Presidency
To: Council

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

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

Following discussions in the Council preparatory bodies, Coreper on 26 November 2014 agreed on the text of the draft Council conclusions as set out in the Annex.

The Council is invited to adopt these conclusions and decide, in accordance with Article 17(4)(c) of the rules of procedure of the Council, to have these conclusions published in the *Official Journal of the European Union*.

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 and implemented by the European Commission 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;
3. Good practices need to be widely disseminated, updated, re-used and shared across legal professions;

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.

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;
5. At EU level, the EJTN is best placed 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 or by a European training provider 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;
5. Support the coordination of training provided by national organisations of liberal legal professions through their respective EU level entities;

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. Draw on available expertise in the Member States and among stakeholders, and build upon the good work of the EJTN and the results of the Pilot Project on European judicial training, when it considers preparing a recommendation on standards of training covering all legal professions;
2. Continue reporting 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 help preparing, where necessary, further improvements of European judicial training;
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 training providers, whether public or, if appropriate, private, to organise more training in EU law and in foreign legal language skills for legal professions, bearing in mind the aim that such training be of high quality and cost-efficient;
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, respecting EU budgetary requirements and procedures, 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, including e-learning, as an efficient tool to further develop European judicial training.