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From: General Secretariat of the Council
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Subject: Follow-up of the December 2014 Council Conclusions on 'Training of legal practitioners: an essential tool to consolidate the EU acquis'

Delegations will find in the Annex a background paper prepared by the European Judicial Training Network (EJTN).

Follow-up to the December 2014 Council conclusions on

‘Training of legal practitioners: an essential tool to consolidate the EU acquis’ (2014/C 443/04)

Background paper prepared by the EJTN

1. Background

On 4 December 2014 the JHA Council adopted [Conclusions on ‘Training of legal practitioners: an essential tool to consolidate the EU acquis’ \(2014/C 443/04\)](#).

The Council welcomed the fact that more than 210 000 legal practitioners, including judges and prosecutors, had taken part in training on EU law between 2011 and 2013, as well as the increased participation of judges and prosecutors in exchanges and other cross-border training activities that had been performed, facilitated and coordinated by the [EJTN](#) and its Members in recent years.

However, the Council acknowledged that more needed to be done to achieve the ambitious goals, in particular those set out in the Communication "Building trust in EU-wide Justice, a new dimension to European judicial training" (COM (2011) 551). The Council highlighted the fact that legal practitioners still face obstacles to taking part in training activities.

Among other things, the Council called on the Member States to translate the priorities on legal practitioners’ training into concrete measures, by enabling legal practitioners to participate in the training activities on offer.

This paper aims to facilitate discussions at European and national level with a view to taking the practical steps that are needed and identifying which actors should be involved in overcoming the existing obstacles. The EJTN considers these steps as a necessary supplement to the efforts of our network and its members towards achieving the goals set by the EU Institutions in the documents mentioned.

2. Challenges

As stated in the Council conclusions, the EJTN is best placed to coordinate national training activities, with support from its members, and to develop cross-border training for judges and prosecutors; it has received increasing co-funding support from the European Union in recent years.

Thanks to the continued growth of the network in 2014, the EJTN was able to train 4256 judges and prosecutors, from all EU Member States, through 1622 exchanges and 52 seminars. Despite this steady increase, a series of obstacles to achieving the goals came to light.

The obstacles that the EJTN and its members face with regard to the provision of training activities include the lack, in some cases, of permission to participate, encouragement from superiors, formal recognition or appreciation of a person's participation.

There is a continual shortage of time to participate, compounded by problems with combining training with everyday work and a lack of recognition of the time devoted to training as equivalent to working time. In some situations, there is a proven need to raise awareness of the benefits of training among stakeholders that are not EJTN members and are in charge of decisions on participation and involvement in the training processes. There is an urgent need to raise the awareness of the national stakeholders in the Member States about the existence of these obstacles and of the need to take measures to overcome them.

In line with the Council conclusions, immediate action is needed to further increase participation in exchanges and other cross-border training activities in the EU, and to enhance the benefits derived from good training practices and the recommendations aimed at improving judicial training at the national level.

3. Examples of problems

Some examples of the above-mentioned obstacles are:

- lengthy internal procedures for the nomination of participants to attend training abroad,
- obstacles, at various levels, to effective dissemination of information of the training available,
- lack of recognition of participation in training abroad,
- lack of inclusion of EJTN training activities in the national training curricula of initial and continuous training (such as AIAKOS),
- workload as a barrier to participation,
- language barriers,
- national training schemes/procedures that make participation virtually impossible.

4. Action required

There have been several attempts to find measures to help remove such obstacles. Here is a list of measures identified in several reports and studies conducted in recent years :

- a) Measures to be put in place to safeguard the right to participate in training activities include:
- Ensuring that members of the judiciary are allowed and encouraged to participate in appropriate training; ([EP study 2011](#))
 - Formal recognition of continuous training as both a right and a responsibility of judges, prosecutors and court staff; ([EP study 2011](#))
 - Setting aside a minimum number of hours/days per year for continuous training of judges, prosecutors and court staff. ([EP study 2011](#))

- b) Measures on provision of time to participate:
- Participants need more free time from work to participate in training. Judges should be allowed special leave for participation in training activities; ([EC expert group 2010/11](#))
 - Replacement of judges, prosecutors and court staff who are on training, or the introduction of measures to ensure that participation in training does not impede the efficient administration of justice. ([EP study 2011](#))
- c) Measures to remove the financial burden from participation:
- Provision of sufficient funding for judiciary staff to attend training, with such funding being allocated in an equitable and transparent way; ([EP study 2011](#))
 - Recognition of participation in training for judges, prosecutors and court staff as equivalent to normal work - this should be a general principle in the Single Market and the participation should be suitably rewarded. ([EP study 2011](#))
- d) Measures to raise awareness of the benefits of training:
- The employers of judges, prosecutors and court staff should be invited to regular forums to highlight best practice in judicial training. Recommendation should be adopted to that effect along the lines of European recommendations; ([EP study 2011](#))
 - All potentially available partners (i.e. networks of the judiciary) should make use of all means available to raise the awareness of the added value of participation in training; ([Pilot project, lot 4](#))
 - Raising the awareness of superiors and national authorities responsible for budgets that investing in targeted training saves costs in the long run; ([EP study 2011](#))
 - Gathering and provision of evidence on the cost-saving impact of lifelong learning in the justice sector; ([EP study 2011](#))

- It is recommended to communicate with heads of courts, directors of staff, and all persons managing court staff on a day-to-day basis to raise awareness about the competences needed to provide a good-quality level of service of justice, to raise awareness about the EU law dimensions of certain tasks and duties, and to raise awareness about the usefulness and cost efficiency of training; ([Pilot project, lot 3](#))
- Awareness of existing European online resources should be raised. ([Pilot project, lot 3](#))

5. Actors to be involved

In order to ensure the effectiveness of the above-listed measures, synergies will be needed between several actors at the national level involved in the management of justice. Most of these steps are beyond the remit of the entities directly responsible for/involved in judicial training. Most are in the hands of other actors not directly involved in judicial training processes.

Depending on the national legal systems (which differ considerably between Member States in this field), these may be ministries of justice, councils of the judiciary, prosecution councils, supreme judicial and prosecuting authorities, associations of judges, presidents of courts and heads of prosecution offices, etc.