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Ensuring justice in the EU — a European judicial training strategy for 2021-2024

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Ensuring justice in the EU — a European judicial training strategy for 2021-2024

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Ensuring justice in the EU — a European judicial training strategy for 2021-2024

1. INTRODUCTION

The Lisbon Treaty granted the European Union (EU) competences to support judicial cooperation in civil and criminal matters through the ‘training of the judiciary and judicial staff’¹. Since then, judicial training on EU law has improved the **correct and uniform application of EU law** and built **mutual trust in cross-border judicial proceedings**, thus helping to develop the EU area of justice.

The Commission’s 2011 Communication, *Building trust in EU-wide justice — a new dimension to judicial training*², brought about a **step change**, in terms of both approach and scale, in the organisation of judicial training in the EU. Whereas the majority of EU judges and prosecutors responding to a 2010 survey³ had never participated in judicial training on EU or another Member State’s law, since the adoption of the Communication more than half of all EU legal practitioners (over 1 million) have done so.

The evaluation of the **2011-2020 European judicial training strategy** (published in 2019)⁴ and annual reports on European judicial training⁵ show that overall the strategy has achieved most of its objectives. The flagship target of training half (i.e. 800 000) of all legal practitioners on EU law between 2011 and 2020 was reached in 2017. The strategy has helped to increase the number of training activities, but also promoted new types of activity, such as exchange programmes. It has helped improve training on EU law for several categories of legal practitioners, especially judges and prosecutors. It has also built the capacities of networks such as the European Judicial Training Network (EJTN) and reinforced EU-level networks and training providers.

Building on these achievements, it is now essential that judicial training remains high on the EU agenda and is **further strengthened**.

The EU is facing a number of new developments and challenges that need to be addressed by judicial training, including a deterioration of the rule of law and attacks on fundamental rights in some Member States, the exponential digitalisation of our societies and the prospects of EU membership for the Western Balkans. Moreover, the level of participation in training still

¹ Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the EU.

² COM(2011) 551 final.

³ *Judicial training in the EU Member States*, European Parliament study (IPOL-JURI-ET(2011)453.198).

⁴ *Evaluation of the 2011-2020 European judicial training strategy*, Commission staff working document (SWD(2019) 380).

⁵ Reports by the Commission’s Directorate-General for Justice and Consumers.

differs considerably across Member States and among justice professions. This may have a negative impact on the uniform and efficient application of EU law.

This Communication builds on the lessons learnt and new developments since 2011. It reflects the results of the Commission's evaluation of the 2011-2020 strategy and of a wide public consultation conducted by the Commission in 2018⁶. It sets out a comprehensive strategy to improve justice professionals' training on EU law further, by extending policy intervention to new topics, professions and geographical areas, addressing the new challenges and setting new goals for 2021-2024.

2. A FLEXIBLE RESPONSE TO EMERGING EU LAW TRAINING NEEDS

Justice practitioners must be able to adapt to new developments, including in the area of EU law. It is therefore important that a flexible response is brought to emerging EU law training needs.

Judicial training to promote a common rule of law culture

Respect for the rule of law is crucial for the effective application of EU law and for mutual trust between Member States and their judicial authorities. The essence of the rule of law is effective judicial protection, which requires the independence, quality and efficiency of national justice systems. **Justice practitioners play an essential role in upholding the rule of law.** They should keep pace with the EU *acquis* in this area, including the fast-developing case-law of the Court of Justice of the European Union (CJEU), so they can implement it in their work. Well-trained practitioners and their networks play an important role in strengthening a rule of law culture and upholding the rule of law itself⁷, with the principle of judicial independence at the centre.

Upholding fundamental rights

National judges and other justice practitioners are essential actors ensuring the effective application of the **EU Charter of Fundamental Rights** and making the Charter rights a reality in people's everyday lives.

They should receive dedicated training on the application of the Charter, its scope of application and specific rights such as data protection⁸, but also on its relation with national

⁶ https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation_en

⁷ Commission Communications, *Strengthening the rule of law within the Union: a blueprint for action* (COM(2019) 343 final) and *2020 rule of law report: the rule of law situation in the European Union* (COM(2020) 580 final).

⁸ See the General Data Protection Regulation, the Law Enforcement Directive and recent CJEU case law, e.g. judgment of 8 April 2014, *Digital Rights*, Joined Cases C-293/12 and C-594/12; judgment of 21 December 2016, *Tele2 Sverige*, C-203/15.

law and its interplay with the European Convention on Human Rights. Charter training should also be incorporated into training modules on various areas of EU law where relevant⁹.

Upscaling the digitalisation of justice

Judicial training must prepare justice professionals to embrace **digitalisation** and the use of **artificial intelligence**¹⁰. The developments in this area increasingly influence every aspect of our lives. The COVID-19 pandemic has demonstrated that justice systems must quickly adapt through digitalisation. Justice practitioners need to be aware of the impact that **digital tools and technologies** have on handled cases and be ready to use them properly in daily practice, including in cross-border proceedings¹¹. They need to secure adequate protection of individuals' rights and personal data in the digital space, in particular so that parties can access files and attend court hearings.

Keeping pace with developing EU law

European judicial training should enable justice practitioners to **see the role of EU law** in their daily practice, **give it full effect** and secure the **respect of rights and obligations** stemming from EU law in national judicial proceedings. It is also important that they keep up to date with the development of EU law. Any new legislation and CJEU case-law developments necessitate training if they are to have the intended effects and justice professionals are to have the requisite knowledge and skills.

In particular, this applies to the key EU instruments for **cross-border judicial cooperation**. The establishment of the **European Public Prosecutor's Office (EPPO)** also has considerable training consequences for prosecutors, judges and defence lawyers. In particular, the strategy should enhance training for these professions on the EPPO's legal basis, the adaptations made to national legal systems and judicial structures, the EPPO's relations with other EU bodies and agencies active in the protection of the EU financial interests such as EUROJUST, EUROPOL and OLAF, as well as the application of the EU legal instruments used by the EPPO in cross-border judicial cooperation.

In the field of **security**, combating terrorism, organised crime (including trafficking in human beings, firearms and illicit drugs), preventing and countering radicalisation leading to violent extremism and fighting money laundering remain key training topics.

Justice practitioners who are in contact with **victims** should be trained to better support and communicate with them, taking into account in particular the needs of the most vulnerable ones¹². They should also know how to identify **abusive litigation** and use the available tools to address it.

⁹ Commission Communication, *Strategy to reinforce the application of the Charter of Fundamental Rights in the EU* (COM(2020) 711 final).

¹⁰ In line with the Commission Communication on *Digitalisation of justice in the EU* (COM(2020) 710 final).

¹¹ Council conclusions on *Access to justice — seizing the opportunities of digitalisation* (2020/C 342 I/01).

¹² Commission Communication, *EU Strategy on victims' rights (2020-2025)* (COM(2020) 258 final).

The **rights of children**¹³, the rights of people with **disabilities** and adaptation of justice systems to these groups, the specific challenges faced by victims of gender-based violence¹⁴, but also equality and **non-discrimination** require specialised training as well as coverage in other courses.

Securing **consumer rights** through continuous training¹⁵ on both material and procedural law is a priority¹⁶, as confirmed by the proliferation of illegal practices detected in the course of the COVID-19 pandemic¹⁷. The effective enjoyment of EU **citizenship rights** must be guaranteed, including in the area of free movement.

Training is needed for the large number of practitioners involved in implementing the **single market** rules¹⁸, including those of particular relevance to business, such as the rules protecting intra-EU investment¹⁹, partly to ensure investor confidence. Training should also be available on **EU company law**, notably on digital tools and processes, cross-border conversions and company mergers/divisions, and on EU competition law for the ones who need it.

Moreover, the application of EU **environmental legislation** requires specialised knowledge and more training.

Equipping practitioners to address new challenges

New forms of terrorism, violent extremism and cybercrime, and the COVID-19 pandemic have had an impact not only on the lives of individuals and businesses, but also on national justice systems, which need to adapt. The pandemic, in particular, has altered criminals' *modi operandi*, leading to a significant increase in offences involving cybercrime, online criminal activities and health²⁰. Justice practitioners have to react to these changes²¹. Also, new forms of work create challenges in employment and social law. **New training offers** should be quickly organised and made available, as has recently been the case for cybercrime and asylum.

¹³ Forthcoming *EU strategy on the rights of the child* (to be adopted in 2021).

¹⁴ See the International Commission of Jurists' guide to *Women's access to justice for gender-based violence*: <http://www.icj.org/wp-content/uploads/2016/03/Universal-Womens-access-to-justice-Publications-Practitioners-Guide-Series-2016-ENG.pdf>

¹⁵ Life-long professional training.

¹⁶ This includes training on the unique enforcement cooperation mechanisms, e.g. under the Consumer Protection Cooperation (CPC) Regulation (Regulation (EU) 2017/2394).

¹⁷ e.g. rogue traders resorting to unfair commercial practices, massive cancellations of flights without consumers' reimbursement rights being honoured.

¹⁸ Commission Communication, *Long-term action plan for better implementation and enforcement of single market rules* (COM(2020) 94 final).

¹⁹ Commission Communication, *Protection of intra-EU investment* (COM(2018) 547 final).

²⁰ e.g. cyberattacks in the health area, trade in counterfeit medical products, fraud involving protective gear or COVID-19 tests, and the illegal disposal of sanitary waste.

²¹ <https://www.cepol.europa.eu/media/news/cepol-issues-fast-track-needs-analysis-impact-covid-19-law-enforcement-training>

Action for training providers:

- Make training on the EU *acquis* on the **rule of law** and **fundamental rights**, as set out in the EU Treaties and Charter of Fundamental Rights, systematically available in the continuous training offer for judges and other justice professionals;
- **Embed EU law**, including the Charter of Fundamental Rights, in national law training activities, and organise specific training on EU law where relevant;
- Deliver training to improve **digitalisation** and **artificial intelligence** awareness and skills, and the efficient use of digitalised judicial procedures and registers;
- Ensure effective training on **new EU legislation** and **case-law developments**, including cross-border judicial cooperation instruments and the EPPO;
- Focus training on the protection of **individuals' rights in the digital space** (e.g. data protection, privacy, non-discrimination, protection from gender-based online violence, contract law, consumer rights) and the **rights of specific groups** (e.g. children, persons with disabilities, victims of gender-based violence, racism and discrimination);
- **Monitor** training needs and **adapt** curricula to emerging challenges.

Action for the Commission:

- **Support EU law training** for justice practitioners in accordance with their needs;
- Continue to cooperate with the **Council of Europe** on training which includes the EU Charter of Fundamental Rights.

3. NECESSARY COMPONENTS OF PRACTITIONERS' TRAINING BEYOND EU LAW

European judicial training should go beyond legal education and support the development of professional **skills**. The law and legal principles do not function in a vacuum, so justice practitioners need to acquire multidisciplinary competences.

While it is a national responsibility, training in '**judgecraft**'²² is central for the efficiency of justice, the relationship of trust between justice systems and members of the public, and trust between practitioners in cross-border cooperation. Key training topics for **judges** include judicial conduct, resilience, unconscious bias, case and courtroom management, and leadership.

In addition, to acquire the requisite know-how, attitudes and expertise, **all justice practitioners** need training on **non-legal knowledge and skills**, e.g. as provided by behavioural sciences, psychology, anthropology, economics and cognitive linguistics.

²² i.e. the set of skills and attitudes of being a judge.

The development of **legal language skills** is essential to enable smooth dialogue between practitioners, which in turn promotes mutual trust in cross-border judicial proceedings. Mastering foreign languages helps justice practitioners to understand foreign legal systems and concepts, and increases participation in cross-border training activities.

The Commission supports advanced and technical legal language training to complement the national offer and encourages the blend of language and legal aspects in such training, which has proved effective.

Action for training providers:

- Embed **‘judgecraft’ and non-legal knowledge and skills** in national continuous training programmes;
- Offer courses on **foreign legal language**, in particular for practitioners dealing with cross-border cases.

Action for the Commission:

- Provide financial support for **cross-border training on non-legal issues**, when linked with legal training.

4. INCREASED, BROADER AND MORE TARGETED TRAINING FOR JUSTICE PROFESSIONALS

A core objective of the 2011 Communication was the overall target to increase the number of trained legal practitioners in order to create the necessary impetus. This was in itself a successful driver of change. However, the evaluation of the training strategy highlighted some issues, such as the variation in results across professions and countries. This calls for an approach setting **new and ambitious (albeit differentiated) objectives** that are more **tailored** to the training needs and levels of participation in EU law training of the professions in focus.

Participation in continuous EU law training in the EU (%)

| Professions | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Judges and prosecutors | 24.62% | 23.04% | 24.00% | 29.11% | 28.10% | 38.03% | 48.22% | 54.66% | 55.70% |
| Court and prosecution office staff | 1.75% | 0.90% | 1.52% | 1.32% | 2.06% | 2.39% | 3.23% | 4.14% | 6.40% |
| Lawyers | 1.79% | 1.73% | 5.04% | 5.28% | 3.54% | 4.11% | 4.88% | 4.82% | 3.36% |
| Notaries | 11.36% | 5.75% | 10.37% | 15.31% | 18.07% | 13.89% | 27.03% | 22.35% | 26.03% |
| Bailiffs | 3.57% | 4.02% | 3.12% | 8.29% | 5.67% | 7.57% | 9.55% | 12.77% | 16.19% |

Source: European Commission (EU28, except 2019: EU27 since no data was received from the UK; data from annual European judicial training reports²³).

Overall, **more justice professionals** should attend training on EU law and training providers should **improve the EU law training** on offer, whether national or cross-border, and whether or not EU (co-)funded. This applies to all justice professionals who apply EU law, including primarily judges, prosecutors and court staff, but also professions such as lawyers, notaries, bailiffs, mediators, legal interpreters/translators, court experts, and in certain situations to prison staff and probation officers.

Tailored objectives

Judges and prosecutors are the main guarantors of the proper application of EU law at national level²⁴. They should remain the **main target group** for training on EU law. Judges apply EU law *ex officio*, put into practice the principles of primacy and direct effect, and refer preliminary questions to the CJEU. Prosecutors need to be familiar with and apply the relevant parts of the EU *acquis* in the area of justice, including procedural rights for suspects and the accused in criminal proceedings, the protection of the EU's financial interests and the new operating rules following the creation of the EPPO.

Court and prosecution office staff are essential for the smooth functioning of justice systems. Some are involved in drafting and enforcing court decisions, the cross-border service of documents, European payment orders, European arrest warrants and other cross-border procedures. This requires a wide range of training on EU law, which should be precisely tailored to identified needs. The Commission encourages the networking of all national and EU-level court staff training providers to share best practices and strengthen national training offers.

Lawyers play a vital role in the practical implementation of EU law in many legal proceedings, whether national or cross-border, civil, family, administrative or criminal. It is also up to them to raise EU law issues in specific legal situations. They need to be abreast of recent developments in the EU *acquis*. It is therefore essential to focus on training private practice lawyers and on their training providers.

Notaries help to secure the effect of EU law in areas that are relevant to individuals and businesses, such as succession, mediation, insolvency and anti-money laundering. This should be better reflected in the content of training while encouraging the use of interactive methodologies, including for e-learning.

Bailiffs are involved in the cross-border enforcement of court decisions, for example in European small claims and the cross-border recovery of assets. While their professional status and backgrounds differ, they are court staff in roughly a third of the Member States. They

²³ See footnote 5 and the 2020 report; https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en.

²⁴ All jurisdictions are concerned, including administrative ones.

need more training on relevant EU law to ensure that they apply it correctly in their daily tasks.

Improving other professions' EU law training

At the interface between this strategy and the European law enforcement training scheme (LETS)²⁵, it has been useful to develop and promote common training materials and joint training sessions for prosecutors, judges and investigators. In this context, the fruitful cooperation between the EJTN and the European Union Agency for Law Enforcement Training (CEPOL) is welcome and could be developed further.

Prison staff and probation officers are a new target audience, as their training is crucial to upholding fundamental rights during detention (in particular in the context of European arrest warrants²⁶) and consolidating their key role in preventing radicalisation in prisons and ensuring the success of rehabilitation programmes. They also need to be aware of the EU policies, in particular on prisoner transfers, probation, alternative sanctions, supervision, drug-related legislation and other issues in prisons²⁷.

Finally, **other justice professionals** such as mediators²⁸, court experts²⁹, insolvency practitioners³⁰ and legal interpreters/translators³¹ increasingly require knowledge of and competence in applying EU law. The quality of their contribution to judicial processes should be enhanced by relevant EU law training.

Action for all stakeholders:

By 2024, continuous training on EU law should each year reach:

- 65% of judges and prosecutors;
- 15% of court and prosecution office staff who need EU law competence;
- 15% of lawyers³²;
- 30% of notaries;

²⁵ See Commission Communication (COM(2013) 172).

²⁶ See judgment of 5 April 2016, *PPU Aranyosi and Căldăraru*, C-404/15 and C-659/15, judgment of 25 July 2018, *PPU ML*, C-220/18 and judgment of 15 October 2019, *Dorobantu*, C-128/18.

²⁷ *2021-2025 EU agenda and action plan on drugs* (COM(2020) 606).

²⁸ Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ L 136, 24.5.2008, p. 3).

²⁹ Council conclusions and action plan on *the way forward in view of the creation of an European forensic science area* (10128/16).

³⁰ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19) and Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency) (OJ L 172, 26.6.2019, p. 18).

³¹ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

³² Data collection difficulties will be taken into account in the monitoring of lawyers' training.

- 20% of bailiffs.

Action for networks:

- **EJTN** — establish a network of all court staff training providers to exchange expertise and best practices³³;
- **European Network of Penitentiary Training Academies (EPTA)** — extend to all Member States³⁴, map EU-law related training needs and formulate an adequate response;
- **Confederation of European Probation (CEP)** — work further on training.

5. PROMOTING HIGH-QUALITY, EFFECTIVE TRAINING ACTIVITIES

Providing judicial training is not an end in itself. It is also vital that training is of a high enough **quality** to achieve its objectives. Good methodology is essential, from design to implementation and evaluation. To respond flexibly to practitioners' daily challenges, training providers must constantly monitor **training needs** from the perspective of both national and European stakeholders.

Justice practitioners need exposure to **diverse forms of learning**: reflective, conceptual, experimental and concrete. Their training should include a blend of **face-to-face** residential activities, **e-learning** tools and **on-the-job** training. Face-to-face (including cross-border) training activities are essential to develop skills and attitudes, and build mutual trust by enabling free discussions in a climate of trust and respect. They should resume as soon as the sanitary situation allows it. EU-level training should also help pilot new approaches, such as **hybrid** formats (combining face-to-face and online) and face-to-face **cross-professional** training on specific topics of relevance.

Varied, accessible training tools and formats should be used, to adapt to learners' availability and diversity. Training should make better use of **new technologies**³⁵ to reach a wider audience and support the quality of training. This need is heightened by the ongoing pandemic and the shift from face-to-face activities to online training.

Top-quality **e-learning** and access to **e-resources** on EU law should become a reality for all professionals. They should complement and multiply the benefits of face-to-face activities with up-to-date material and stand-alone learning tools, so as to make the best possible use of e-justice.

National-level activities cannot have the same impact as **cross-border activities**. General and specialised cross-border exchanges of judges, prosecutors and court presidents remain a

³³ The Commission welcomes EJTN's decision to extend its target audience to court and prosecution office staff.

³⁴ Current EU members: Austria, Belgium, Bulgaria, Czechia, Germany, Estonia, Spain, Finland, France, Croatia, Ireland, Italy, Luxembourg, Latvia, Netherlands, Poland, Portugal, Romania, Slovenia and Sweden.

³⁵ e.g. virtual face-to-face training: interactive virtual classroom; virtual reality: virtual training environment accessed with digital devices; augmented reality: a real-world environment enhanced by computer-generated perceptual information; mixed reality: virtual elements added to the reality.

priority. They strengthen the common European judicial culture, build trust and promote the uniform application of EU law. Exchanges should bring tangible added value for participants and multiplying effects in the professional environment.

All training should demonstrate that it has achieved its objectives. **Evaluation** should assess the acquisition of knowledge and skills, attitude changes and impacts on professional performance, in addition to trainees' satisfaction levels³⁶.

Action for training providers:

- Follow more closely the **recommendations** in the *Advice for training providers*³⁷ and the *EJTN Handbook on judicial training methodology in Europe*³⁸;
- Organise **cross-border training activities** every year for at least 5% of all judges and prosecutors; encourage new participants to attend;
- Offer interactive, practical and accessible to all learners **e-learning** that is precisely tailored to training objectives;
- Explore further the potential of **modern techniques** such as virtual face-to-face training and extended reality solutions;
- Make more use of '**capsule**' (short, up-to-date, tightly focused) **e-training** to address justice professionals' immediate needs in the context of a concrete case;
- Ensure that **trainers are trained** in exploiting the full potential of e-learning methodologies;
- **Evaluate** every training activity on the basis of participants' satisfaction, increased competence and, where relevant, impact on their performance.

Actions for the Commission:

- Where relevant, use a **common evaluation form** in EU-supported activities;
- Incorporate a '**European training platform**' in the European e-Justice portal³⁹ as a central hub of information on training activities for justice professionals and a single access point for self-study materials on EU law.

6. BOOSTING JUDICIAL TRAINING FOR YOUNG PRACTITIONERS

New justice professionals should be given a **grounding in the EU legal system and legal culture** in the course of their initial training⁴⁰. This should help build their practical understanding of the role of EU law in national legal systems, the rule of law *acquis* and their role as European justice practitioners. In initial training (where it exists), sufficient time

³⁶ See EJTN *Guidelines for the evaluation of judicial training practices*; <https://bit.ly/2UDmqtX>

³⁷ <https://e-justice.europa.eu/fileDownload.do?id=9f252d82-8ef4-4f6e-b562-372f9fa50096>

³⁸ <http://www.ejtn.eu/Methodologies--Resources/Training-Methods>

³⁹ https://e-justice.europa.eu/content_european_training_platform-37158-en.do

⁴⁰ Training for future or newly appointed practitioners.

should therefore be devoted to good-quality training in EU law, fundamental rights, the rule of law, ‘judgecraft’ and language skills. Training on the systemic elements of EU law⁴¹ should be standard.

Action for training providers:

- Ensure that every **initial training curriculum** includes modules on EU law, embedded in national law training and standalone where relevant;
- Include the **EU *acquis* on the rule of law and on the EU Charter of Fundamental Rights** and also ‘**judgecraft**’ as standard components of the initial judicial training offer for new practitioners;
- Provide for every future or newly appointed judge and prosecutor to take part in a **cross-border exchange** in the course of their initial training;
- Make the EJTN’s **AIAKOS exchanges for future and newly appointed judges and prosecutors**⁴² a standard component of the initial training offer. National judicial training bodies should assist in their organisation;
- Make **legal language courses** a standard component of the initial training offer.

7. ENHANCING SHARED RESPONSIBILITY

Responsibility for judicial training is shared between Member States, training providers, national and European justice professions’ organisations, and the EU. **Greater commitment is required of all concerned.**

National stakeholders have the primary responsibility

National training providers, justice ministries, councils for the judiciary and prosecution, and authorities of regulated professions are all key actors in ensuring that the training provision responds to **practitioners’ needs**. Proper **resources** must be made available, in terms of budget, staff to organise the training and time for justice professionals to be able to attend. Setting compulsory quotas for training can ensure that it is seen as part of regular working arrangements. **Information** on national and EU-level training provision must be proactively disseminated and participation supported.

Leaders and senior members of justice professions should be involved in the creation of a genuine training culture. A change in attitude is needed to make justice and professional bodies **learning organisations**, in which training is seen as an investment and not a distraction from day-to-day work.

⁴¹ General principles of EU law and legal remedies, the role of the CJEU, how judicial cooperation works, where to find relevant information and forms, etc.

⁴² The AIAKOS programme brings future or newly appointed judges from different Member States together in a judicial training institution or in courts/prosecution offices, to foster mutual understanding of different European judicial cultures and systems and raise their awareness of the European dimension of their (future) work.

Networks of EU law experts

Justice practitioners do not have to master all details of EU law, but to comply with it when the need arises. They should be able to rely on a **peer** who can provide **expertise and assistance on EU law** in full judicial independence and belongs to a network created for this purpose at national level. This is the recognised added value of the national networks of EU law court coordinators.

The unique role of the European Judicial Training Network

The EJTN is best placed to coordinate, through its members, national training activities on EU law and to develop cross-border training for judges and prosecutors, including exchanges⁴³. Its nine ‘judicial training principles’⁴⁴ are becoming a global reference for good judicial training. It needs stable and proper funding.

EU-level actors are essential multipliers

The **Academy of European Law (ERA)** and the **European Institute of Public Administration (EIPA-Luxembourg)** help to consolidate knowledge on EU law. They should boost their training provision further, ensure the quality of their activities and promote the transferability of their outputs.

Networks of justice professionals, such as the **Council of Bars and Law Societies of Europe (CCBE)** for lawyers, **Notaries of Europe (CNUE)** for notaries and the **European Union of Judicial Officers (UEHJ)** for bailiffs, also play a key role in improving training on EU law. They are essential to the full implementation of this strategy, by ensuring that created materials are taken up and re-used among their members and promoting the national rollout of training activities. The exchange of experience between training providers from different Member States should enable them to reflect on gaps in their training provision, innovate and build on good practices with proven results.

European networks of justice professionals focusing on individual areas of EU law also play an important role as multipliers.

The Commission’s support

The Commission will support **high-quality training projects with a European dimension**, through the Justice programme and other relevant financing schemes⁴⁵. It will support training for multipliers, including trainers, and foster cross-border consortia of training providers. It

⁴³ Council conclusions, *Training of legal practitioners: an essential tool to consolidate the EU acquis* (2014/C 443/04).

⁴⁴ http://www.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_EN.pdf

⁴⁵ These include Commission proposals for Regulations of the European Parliament and of the Council establishing the European Social Fund Plus (ESF+) (COM(2018) 382), ‘Erasmus’: the Union programme for education, training, youth and sport (COM(2018) 367), the Rights and Values programme (2021 to 2027) (COM(2018) 383), a Programme for the Environment and Climate Action (LIFE) (COM(2018) 385), the EU Anti-Fraud Programme (COM(2018) 386) and the Instrument for Pre-accession Assistance (IPA III) (COM(2018) 465).

will further promote the work of networks involved in the field, encourage their cooperation through conferences and boost the use of modern technologies and the European e-Justice portal.

The Commission will support **projects addressing EU priority areas**, testing new ideas and responding to specific *ad hoc* needs. It will pay close attention to the assessment of training needs and the sustainability of results. It will require providers benefiting from EU co-financing to do more to ensure the durability of training and other outputs. It will use all means under the Financial Regulation to simplify access to EU funding, including the application and grant management processes⁴⁶.

Targeting justice professionals beyond the EU

European judicial training focuses on EU justice professionals. However, over the years, cooperation has been extended to the **candidate countries and potential candidates** for EU membership and to other countries that had expressed an interest in familiarising themselves with the EU's judicial culture⁴⁷, in order to improve the functioning of their justice systems. In particular, training on the rule of law *acquis* is needed in the candidate countries and potential candidate⁴⁸, as they must prioritise work on promoting democracy, the rule of law and respect for fundamental rights to prepare for EU accession⁴⁹.

The Commission particularly encourages the participation of justice professionals from the **Western Balkans** region in cross-border judicial training. EU support in the region is aimed at ensuring coherence and sustainability, and addressing challenges on the basis of a sound training needs assessment and a problem-oriented (rather than donor-driven) approach. The structural cooperation of Western Balkans judicial training providers should be further strengthened, both at regional level and with the EU. Where relevant, this should include consolidating the role of the EJTN, which is a hub of expertise and could support capacity-building and methodological improvements.

Further synergies could be sought with EU-funded judicial training initiatives in **other non-EU countries**, in particular in Africa and Latin America, as a contribution to strengthening democracy, human rights and the rule of law⁵⁰.

Sustainability

The dissemination, implementation, re-use, updating and adaptation to the national context of **training modules, packages and publications** such as handbooks and guidelines, as

⁴⁶ See footnote 4 (page 44).

⁴⁷ Joint Communication, *Review of the European neighbourhood policy* (JOIN(2015) 50 final); *Eastern partnership policy beyond 2020: Reinforcing resilience — an eastern partnership that delivers for all* (JOIN(2020) 7 final).

⁴⁸ Commission Communication, *Enhancing the accession process — a credible EU perspective for the Western Balkans* (COM(2020) 57 final).

⁴⁹ Council conclusions on the enlargement and stabilisation and association process (7002/20).

⁵⁰ *Towards a comprehensive strategy with Africa* (JOIN(2020) 4 final); *Latin America and the Caribbean: joining forces for a common future* (JOIN(2019) 6 final).

produced with the support of EU funds⁵¹ and shared by national and EU-level training providers, will be strongly encouraged, as well as the training targeting multipliers, such as trainers.

Monitoring

The Commission will continue to **report** on progress on EU law training for justice professionals. It will reflect with stakeholders on how to improve data collection and analysis.

⁵¹ e.g. *Training guide on the rule of law for judges and prosecutors* (http://www.ejtn.eu/PageFiles/16144/2019-056-Training%20guide-v5_FINAL.pdf); *Rule of law in Europe – perspectives from practitioners and academics* (http://www.ejtn.eu/PageFiles/16144/2019-056-RoL%20Manual-170x240-WEB_FINAL.pdf), *EU environmental law training package* (https://ec.europa.eu/environment/legal/law/training_package.htm).

Recommendations:

- **All Member States** — establish a **national network of EU law coordinators** for judges and prosecutors; promote cross-border cooperation between such networks;
- **Other justice professions** — create similar positions to support on-the-job peer learning.

Action for stakeholders:

- **EJTN** — deliver **quality training**, including e-learning, for judges and prosecutors, cater for the needs of court staff and increase the multiplier effect of EU-level deliverables by boosting its members' training provision on EU law;
- **EU-level networks, training providers and organisations for justice professionals** — further promote, coordinate and/or organise **cross-border training activities**, including interactive online ones, while multiplying the training effects.

Action for the Commission:

- Support **cooperation between stakeholders** to help achieve the goals of this strategy;
- Award EU financial support to **high-quality projects** that address concrete training needs in a **sustainable** manner, and to the EJTN through the Justice programme;
- In cooperation with stakeholders, establish an improved **monitoring** system.

8. CONCLUSION

This 2021-2024 European judicial training strategy lays down the framework for an ambitious set of key actions to boost the correct and effective application of EU law. It aims to consolidate a common European judicial culture based on the rule of law, fundamental rights and mutual trust.

In order to ensure the success of the strategy, the Commission calls on all stakeholders — justice ministries, councils for the judiciary and prosecution, boards of self-regulated professions, European associations of justice professionals, national and EU-level training providers, EU institutions and bodies — to commit to achieving its quantitative and qualitative objectives.

The Commission will regularly monitor the implementation of the strategy and work with the other EU institutions to secure the requisite political support for delivering on the objectives.