



European
Commission



European judicial training 2017

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European judicial training 2017

The EU is a community based on values such as human and civil rights and the rule of law. For those values to prevail we need a strong, independent and effective justice based on a common legal culture.

The EU is famous for its diversity and this is also true for our justice systems. But the EU law needs to be applied and respected in the same way across the whole EU, that's why the European judicial training plays a key role.

This is the sixth report since the adoption of the EU's European Judicial Training Strategy in 2011. A lot of progress has been made since then. For example, one of the objectives of the strategy, to train half of all justice professionals on EU law by 2020, will already be achieved next year. This is the result of a combined effort from Member States, justice professions, training providers and justice professionals. Correct transposition, application and implementation of the EU law should be an embedded value in the daily work of justice professionals in the EU and judicial training proved to be an effective tool for that purpose.

Compared with last year we saw again an increasing number of justice professionals trained on EU law, reaching more than 140,000 this year. The success of the EU area of justice depends on the effective role of EU courts as "the common courts" to uphold EU law and on the effective role of the justice professionals involved.

The report, however, also shows that there is always room for improvement. There are still big differences among the Member States and among the legal professions. We need to continue to put a lot of efforts to overcome them. Length of both initial and continuous training should be addressed and quality must not diminish. The Commission firmly believes so and is committed to maintain its support to European judicial training.

After six years, time has come to update our strategy. We need to take into account new developments and lessons learnt since 2011. Moreover EU law is not static but in constant evolution.

How to shape a European Training Strategy that responds to actual needs is the subject of a public consultation the European Commission launched this year. I would like to invite you to participate in our consultation and I hope that this report will be of inspiration for you.

I trust you will enjoy reading the 2017 report.



Věra Jourová
Commissioner for Justice, Consumers and Gender Equality

- In 2011 the European Commission set the target that by 2020 **half** (700 000) **of all legal practitioners** in the EU should have attended training on EU law or on the law of another Member State and to support this training with EU funds for at least 20 000 legal practitioners per year
- **In 2016**, more than **143 000 legal practitioners** received **training** on EU law or on the national law of another Member State. If this trend is maintained, the 2020 target will be achieved and exceeded as from next year
- Whereas this average number remains relatively stable for the past years, in some legal professions in some Member States the training on EU law has increased significantly, whereas for other professions or other Member states it has dropped. This can be seen in more detail in the breakdown per profession and per Member State.
- As a novelty for the first time this year, we are presenting 2016 data in comparison to 2015 data. It helps visualising the changes which occurred for some professions from one year to another.
- Reasons may vary, needs may evolve but EU legislation and EU case law are still growing and regular updates of knowledge should be organised. The success of the EU area of justice also depends on effective judicial training for the justice practitioners.
- Training for **18444 participants** was **(co)-funded by the EU** in 2016. The European Commission is not reaching its annual training objective for the first time. The decrease is mainly due to the fact that for 2016 there are no data for the European Social Fund. As relevant national measures supported by the Fund started in 2016, data will be reported in 2017.
- Being ahead in reaching the 700.000 target should not lead to reduced efforts. **Considerable differences** in the level of participation in training among Member States and among the different legal professions remain.

Objectives of this report

This is the sixth report on training for legal practitioners (judges, prosecutors, court staff, bailiffs, lawyers and notaries) on EU law or on the national law of another Member State. It is based on the results of a questionnaire sent in 2017 to Member States' authorities, European networks of legal professionals and their members and the main training providers at European level regarding training of legal practitioners in 2016. It describes the progress towards the target set by the European Commission in its 2011 [Communication Building trust in EU-wide justice. A new dimension to European judicial training](#)¹ of ensuring that half (around 700 000) of all legal practitioners in the EU are trained on EU law or on the national law of another Member State by 2020; this is equivalent to 5 % (70 000) of all practitioners per year, on average. This objective was backed by conclusions of the Justice and Home Affairs Council [in 2011](#) and again [in 2014](#)², where EU Member States underlined the importance of the training of legal practitioners. The European Parliament has also been a constant supporter of European judicial training, as expressed in its [resolution on judicial training of 14 March 2012](#)³.

¹ COM(2011) 551 final.

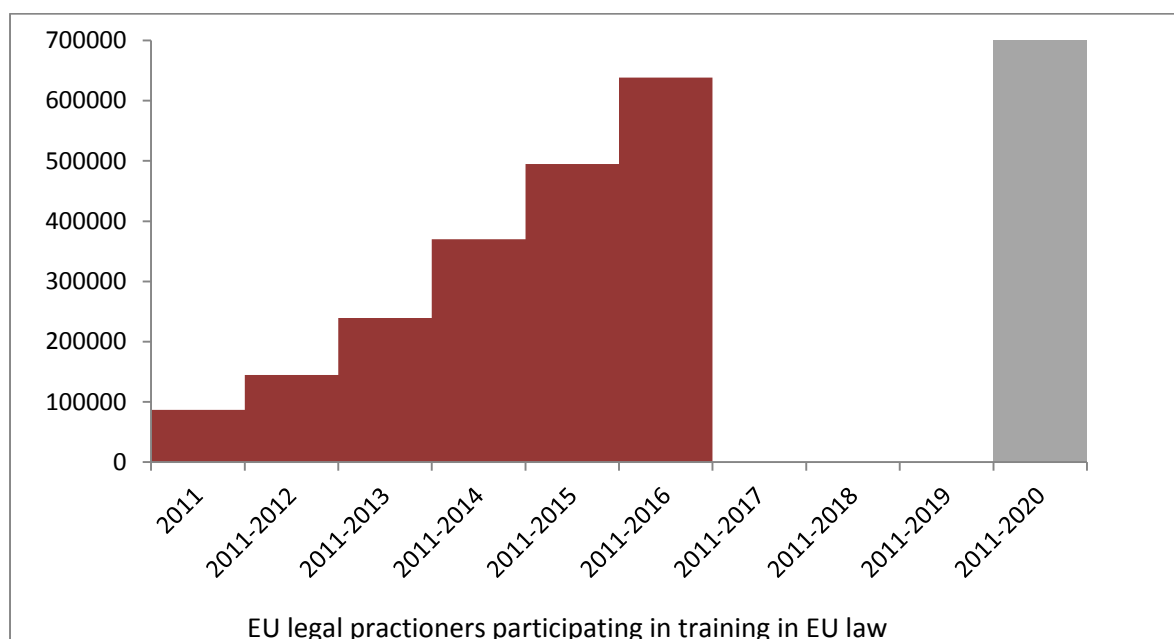
² 2014/C 443/04, recalling the Council conclusions of 27 October 2011 on European judicial training (2011/C 361/03).

³ 2012/2575(RSP).

Main results of the survey

More than 143 000 legal practitioners trained

In 2016, more than 143 000 legal practitioners (judges, prosecutors, court staff, lawyers, bailiffs and notaries) as well as trainees of these professional groups took part in training activities on EU law or on the national law of another Member State. This figure is a minimum estimate.⁴ Almost 38.000 legal practitioners were trained on EU law during their initial training, and more than 105.000 received continuous training⁵ on EU law. Statements that EU law had been part of the training of all trainees or of all training activities have been taken into account if information on the length of time or topics devoted to EU law was provided.



In this sixth survey, data for slightly more national legal professions were available. However, there is still room for improvement as to the completeness of these data, in particular for initial training in general and for training of lawyers by private providers in particular. Also, data collection for court staff and bailiffs could be improved.

Progress towards the 2020 goal

Building on the experience of the first reports, the data collection process for 2016 improved. General explanations on the reasons justifying some data are provided where available.

Increases or decreases of training on EU law or on the law of another Member State for a given profession may not always respond to a particular reason. In some cases, it can be due to data collection circumstances. In addition, increases and decreases of reported participation in Member States and legal professions can be either due to more or less participation in training or, in single cases, to gaps in data (when the available data covers a broader or smaller scope of legal practitioners than in the year before). Data for training of a legal profession in a Member State might only be available from certain training providers, for certain regions or for certain types of practitioners of a legal profession.

⁴ Due to some gaps in the data. All collected data are based on information received from Member States, training providers and professional organisations and may be incomplete.

⁵ Continuous training is the training received after appointment as fully qualified legal professional, excluding basic training right after appointment.

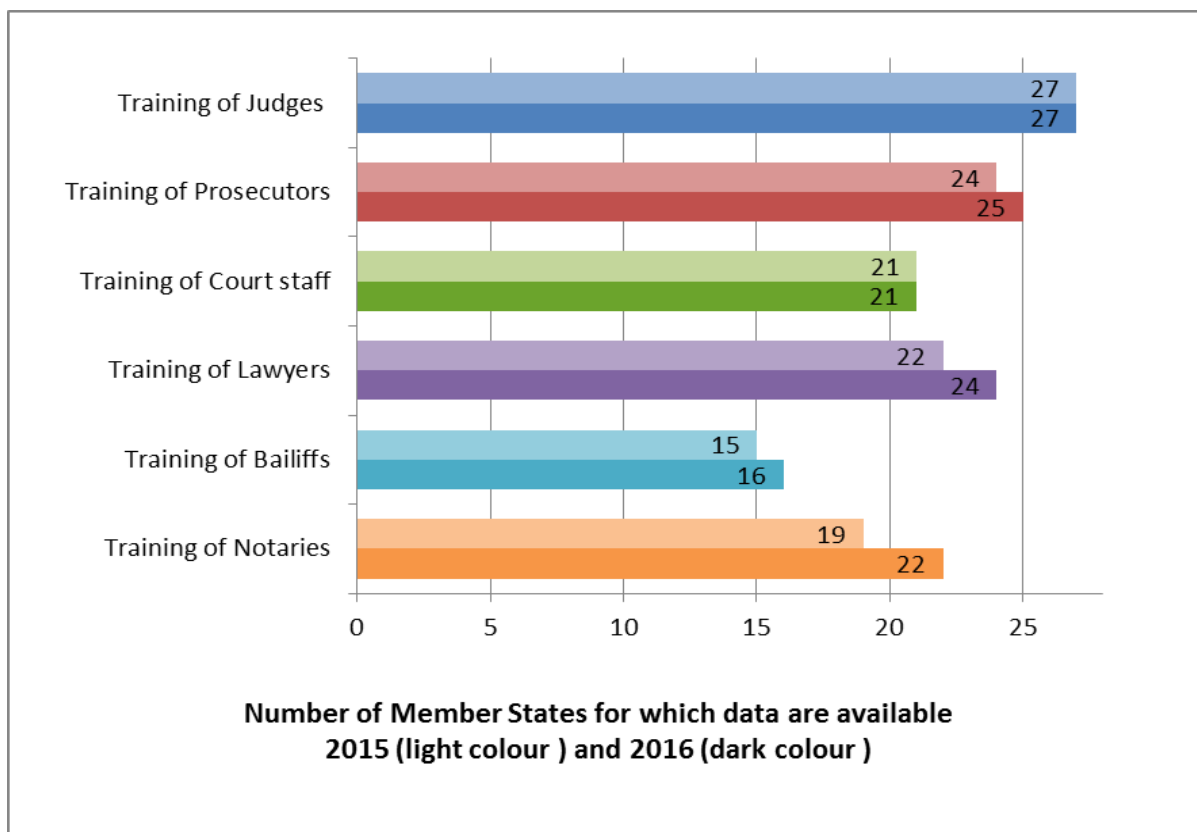
Method of data collection and coherence of collected data

The Commission used various sources to collect data for each legal profession. Figures were requested from:

- the European Judicial Training Network (EJTN), for judges and prosecutors;
- Member States for court staff;
- the Council of Bars and Law Societies of Europe (CCBE) and the Fédération des Barreaux d'Europe (FBE), for lawyers;
- the International Union of Bailiffs (UIHJ) and the European Chamber of Judicial Officers (CEHJ), for bailiffs;
- Notaries of Europe (CNUE), for notaries;
- the Academy of European Law (ERA), the European Institute of Public Administration (EIPA), the European Union Intellectual Property Office (EUIPO), the European Patent Office (EPO), the European Asylum Support Office (EASO) and the European Police College (CEPOL) concerning their courses on EU law for legal practitioners;
- the European Commission Directorate Generals which dedicate funds to support European judicial training activities.

For the first time, a comparison between 2015 and 2016 data is shown in the diagrams. There is a legend at the bottom of all the diagrams. However, as a general reading tip, **the dark colored column shows 2016 data** and the light coloured column represents 2015.

The diagram below illustrates the number of Member States for which at least some data on European judicial training of legal professionals was available from the contact points mentioned above.⁶



⁶ Replies to the Commission's request were received from providers from all Member States, but did not always provide all the requested data.

Large differences among Member States and the different legal professions

The participation rate shows considerable differences between the various legal professions and among Member States. To some extent, the uneven distribution reflects different training needs or missing data. However, even if the needs of the different professions in training on EU law differ (for example less for court staff than for judges), the supply for some professions and in some Member States may need to be increased to match the training needs of each professional group in all the Member States.

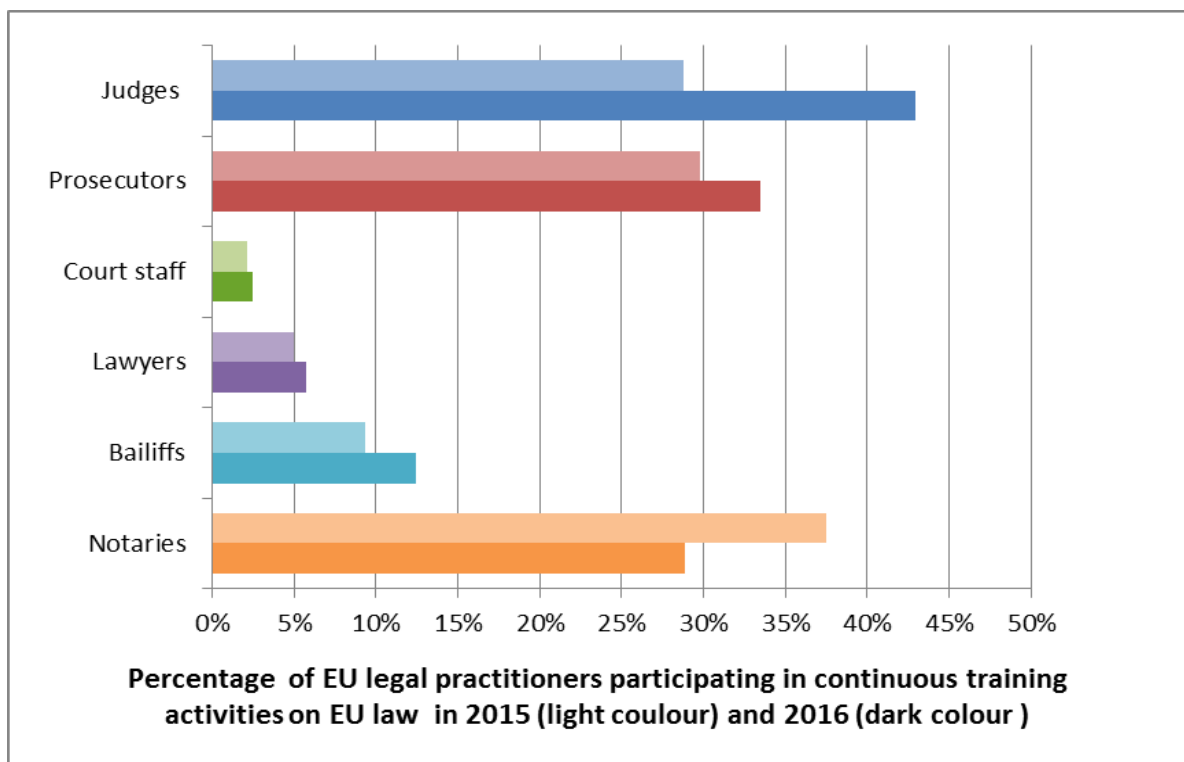
Participation per profession at EU level

The number of participants in training activities may not correspond to the number of individuals trained, since the same person may have taken part in more than one training activity (problem of double counting). However, for a given year the figures are likely to be similar, since it is fair to assume that few legal practitioners are likely to take part in more than one training activity on EU law or on the national law of another Member State in any one year.

The figures for existing practitioners in each legal profession used for calculating the percentages as well as the definition of the legal professions were taken from the [2016 CEPEJ study on European judicial systems \(data 2014\): Efficiency and quality of Justice](#)⁷, unless more recent figures were given.

The ratio of practitioners participating in **continuous** training activities on EU law and on the law of another Member State to all existing practitioners per profession is approximately:

- 42.93 % (34794) of all **judges** working in the respondent Member States;
- 33.43 % (10100) of all **prosecutors** working in the respondent Member States;
- 2.41 % (8510) of all **court staff** working in the respondent Member States;
- 5.74 % (42967) of all **lawyers** in private practice in the respondent Member States;
- 12.43 % (2193) of all **bailiffs** practising in the respondent Member States;
- 28.84 % (7242) of all **notaries** practising in the respondent Member States.

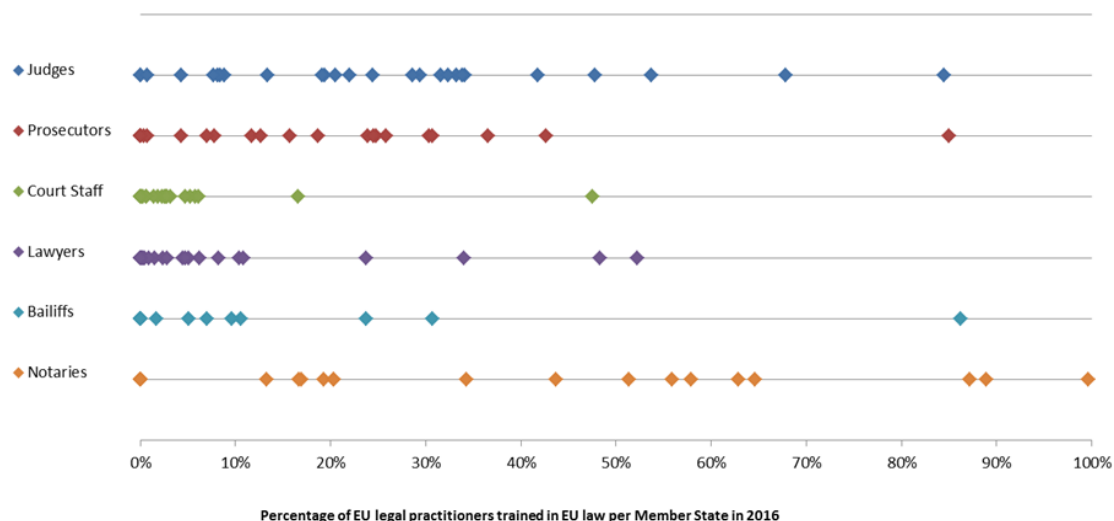


Judges, prosecutors and notaries are far more often trained on EU law or on the law of another Member State than other legal professions. Compared to the year before, the main development has been a significant further rise of the EU law training for judges, prosecutors and bailiffs. In 2016, a decrease of the notaries trained on EU law has to be noted. As for lawyers, the data of many private training providers is still not available but an improvement in the number of respondents and an increase of trained practitioners translates into a general increase of the numbers of trained lawyers.

⁷ Where the 2016 CEPEJ report had data gaps, figures from the previous CEPEJ report were used.

Participation by profession broken down per Member State

The percentage of legal practitioners belonging to the same profession participating in **continuous** legal training on EU law or on the law of another Member State varies considerably among Member States. In the diagram below each 'point' represents a Member State and the respective participation rate:



In a few cases reported, the ratio of participants to existing members of a legal profession exceeds 100 %, meaning that participants took part in more than one training activity on EU law in that year.

Below, the report presents the numbers of participants in continuous training per Member State for the professions of judges, prosecutors, lawyers, notaries and court staff, since for these professions the data were received from most of the Member States. To present a complete picture of the situation, we display the participants in absolute numbers and in percentage of all practitioners of their profession.

Participation of judges and prosecutors per Member State⁸

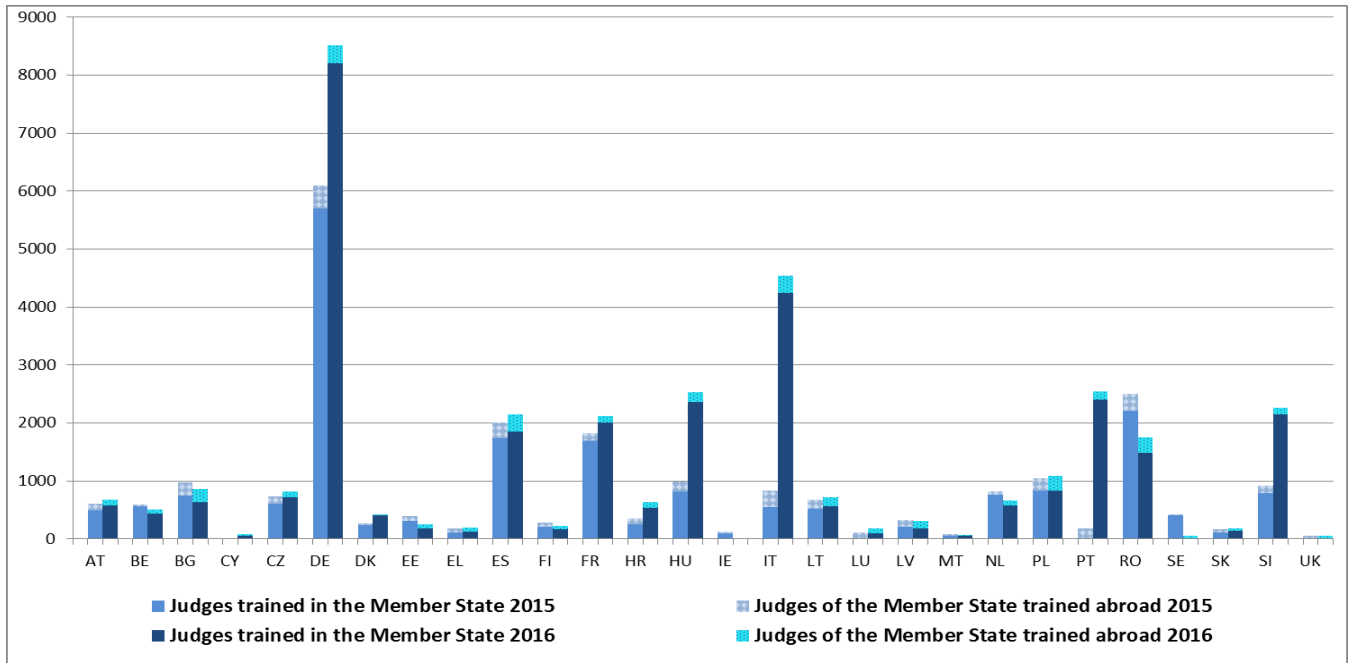
For the first time this year, we present a double column diagram allowing for a comparison between 2015 and 2016 data. As to the **absolute number**, we show on top of the column the number of judges and prosecutors that have participated in EJTN training activities abroad, since these training participations add to the training possibilities that are offered in a given Member State.

In the tables with **percentages**, a red line indicates the minimum percentage of trained participants needed to reach the 2020 target of training half of the practitioners on EU law or on the law of another EU Member State: 5% per year between 2011 and 2020. As reflected, this target is currently reached by almost all Member States sending data for judges and prosecutors. It can be noted that Member States with a small absolute number of judges and prosecutors can reach high percentages of trained practitioners with the organisation of only a few training activities. For the same reason, percentages in these Member States can easily change from one year to the other, since small differences in absolute numbers cause significant changes in percentage. In 2016, there was a significant increase of training for judges and prosecutors due to new data for some Member States. Also, the data collection method has been improved for some Member States where we were missing information until now⁹. Finally, the increased number of participants for various Member States shows the growing interest on EU law for judges and prosecutors in those Member States.

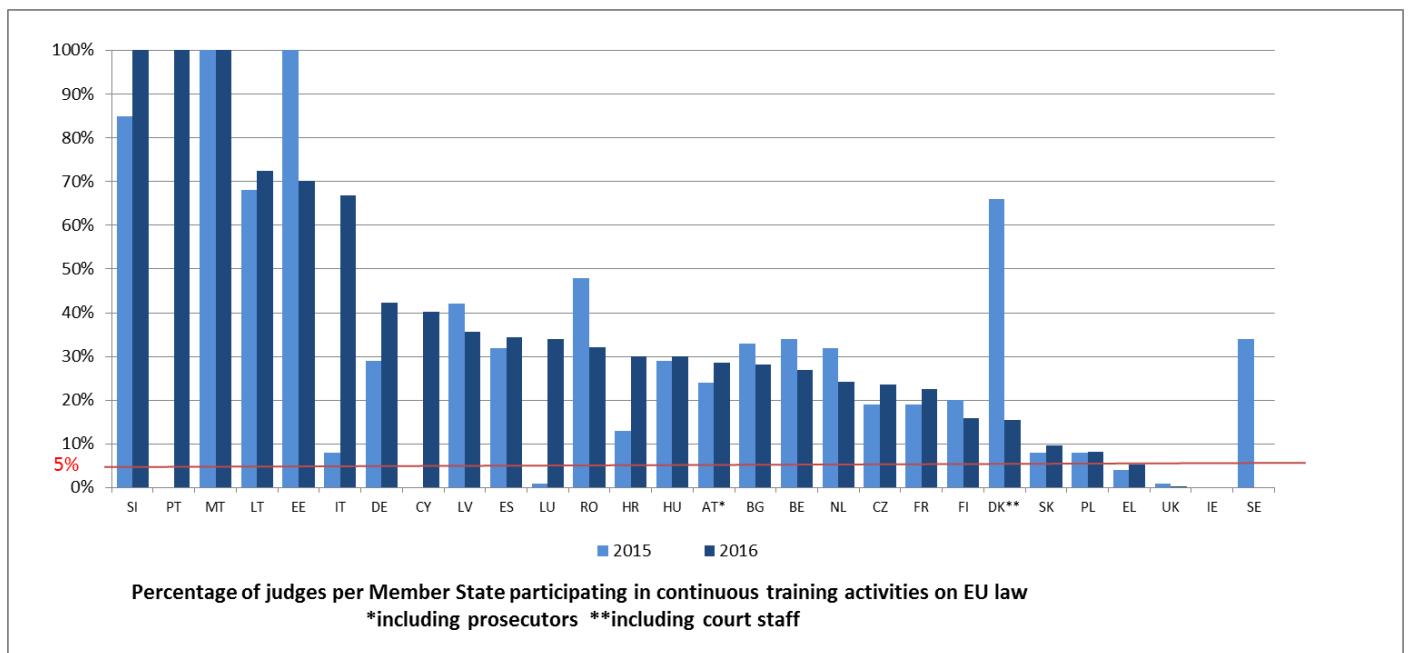
⁸ Abbreviations are explained in the last page of this report.

⁹ For Italy, for the first time we have the data of 13 out of the 27 decentralised training centres that were added to the data of Scuola Superiore della Magistratura.

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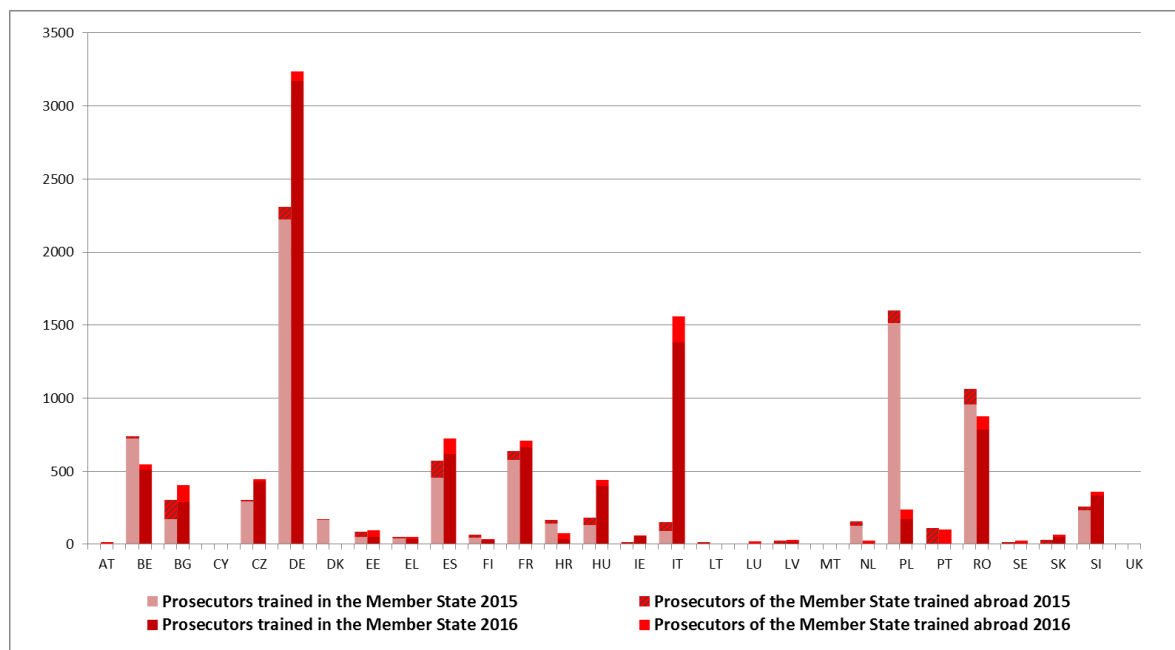
* AT figure includes prosecutors; DK figure includes court staff.
For judges in PT, data are available for the first time.



SI: 231%; PT: 120%; MT: 107% (some judges have participated in more than one training activity).

5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

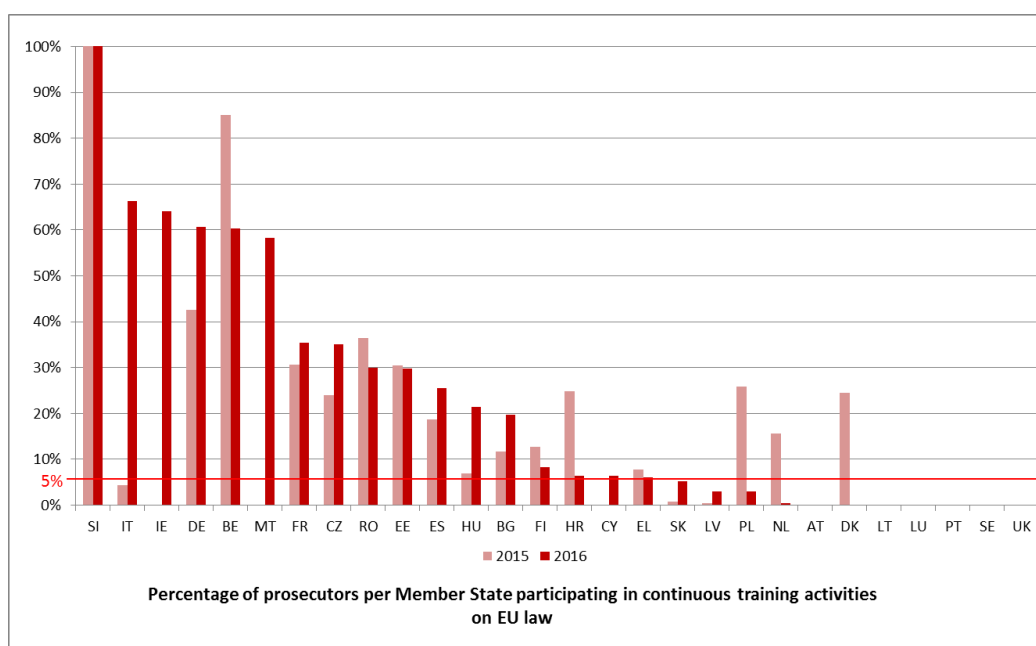
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* AT figure included in table for judges

For prosecutors in CY, LU, MT SE, DK, LT and UK no data are available.

For prosecutors in IE and PT, data are available for the first time.



SI: 173% (some prosecutors participated in more than one training activity).

5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners in EU law.

Participation of lawyers per Member State

2016 confirms the trend for lawyers: on one hand the lack of data for private training providers translates to a partial picture of the training on EU law or law of another Member State for lawyers. Indeed, private training providers not connected to Bars seldom contributed with data, although in some Member States lawyers rely on them in significant numbers. Sometimes, data have been available only for certain regions of a Member State or a certain type of lawyer.

On the other hand, training providers face some hitches: where no registration system exists it is difficult to calculate real participation; also the lack of compulsory continuous training in some Member States does not stimulate participation in training activities. Some Member States have seen their total number of lawyers decrease with a consequence in their training figures. It has also been noticed that bigger national legislative changes lead to more national training.

Despite all that, there is a slight increase of the numbers of lawyers trained notably due to an increase of responses from Member States which had never provided data or improvements from Member States already sending data. Also, some EU legislation recently adopted or entered into force proved of very high interest for lawyers (Data protection and money laundering).

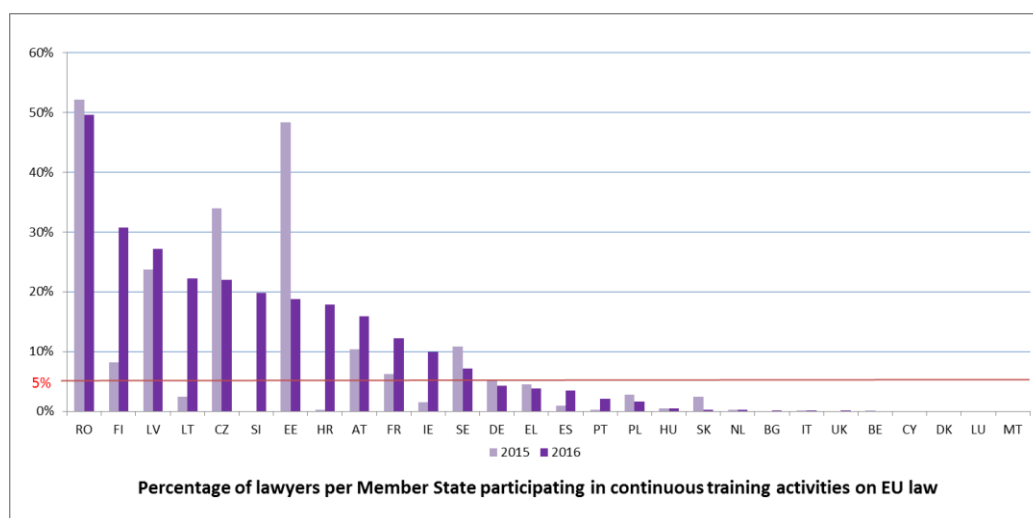
Again, in the tables with **percentages**, a red line indicates the minimum percentage of trained participants needed to reach the 2020 target of training half of the practitioners on EU law or on the law of another EU Member State i.e. 5% per year between 2011 and 2020. According to the available data, this target is currently reached by a higher number of Member States than in previous years. It represents the majority for which we received an answer but it is still not satisfactory, as they are still the minority of Member States. Like for judges and prosecutors, Member States with a small absolute number of lawyers can reach high percentages of trained practitioners with the organisation of only a few training activities. A bigger group size or a significant e-learning offer with counted participants can be other reasons leading to bigger numbers of participants.

However, the percentage is always given in comparison with the figure of all lawyers in the Member State which explains low percentages in most of the cases.

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For lawyers in CY, DK, LU, MT, and UK, no data are available. % in BE, BG, IT and NL are tiny.
For lawyers in AT and SI, data are available for the first time.



5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

Participation of notaries per Member State

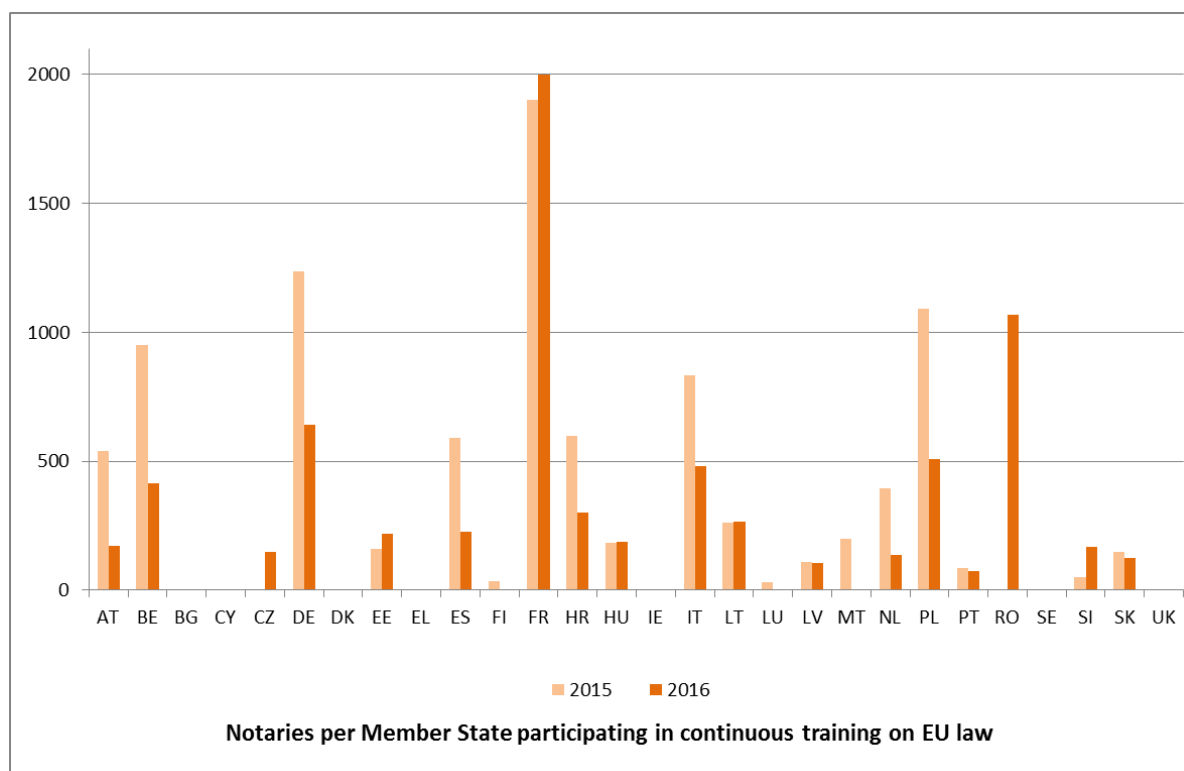
This report refers to the definition of a notary by the [2016 CEPEJ study on European judicial systems: Efficiency and quality of Justice](#) – namely "a legal official who has been entrusted by the public authority with the safeguarding of the freedom of consent and the protection of the rightful interests of individuals".

Depending on the system of the Member State, the notary can be private or public, albeit with different competences and functions.

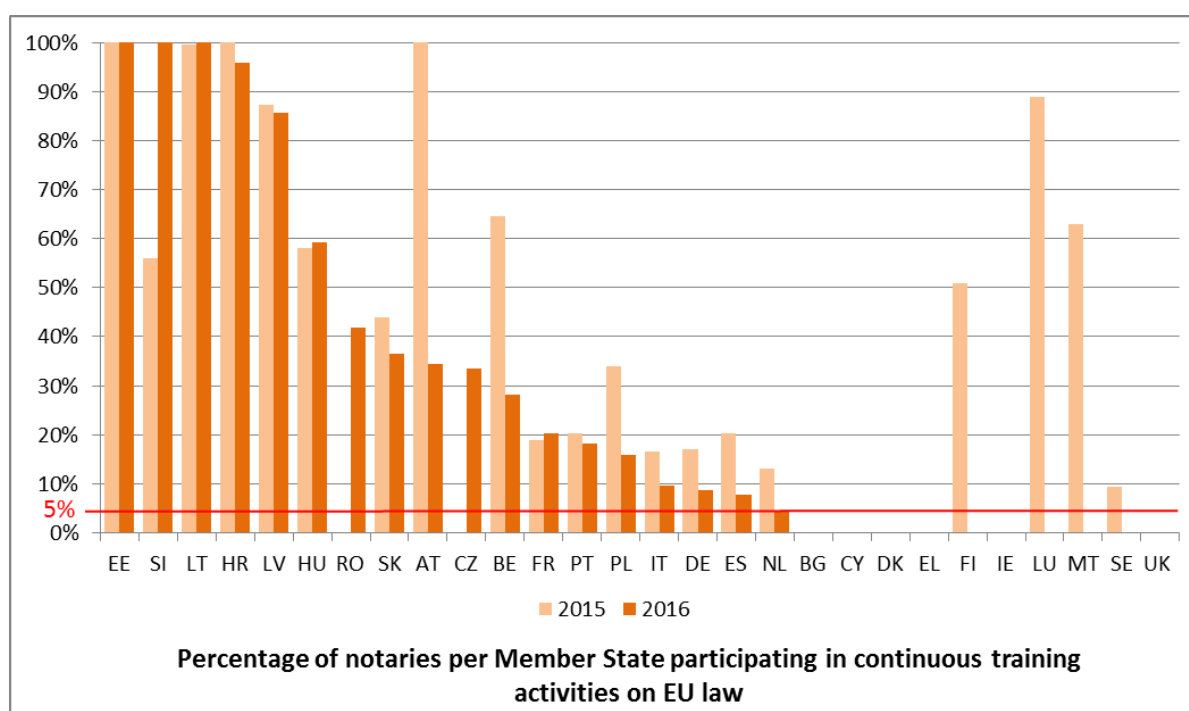
In all Member States for which data are available, the target of training 5% of the practitioners on EU law or on the law of other EU Member States is reached.

In 2016, according to available data, training of notaries on EU law or on law of another Member State in the whole EU decreased. For the past years, the high number of trained notaries on EU law was mainly due to a large series of seminars co-funded by the European Commission on legislation particularly relevant to them. These seminars have now come to an end leaving as a result the effective training of an important number of notaries in the EU.

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For Notaries in EL no data are available. BG, LU, MT and SK data are tiny
 CY, DK, IE, SE and UK have a different legal system.
 For Notaries in RO and CZ data available for the first time.

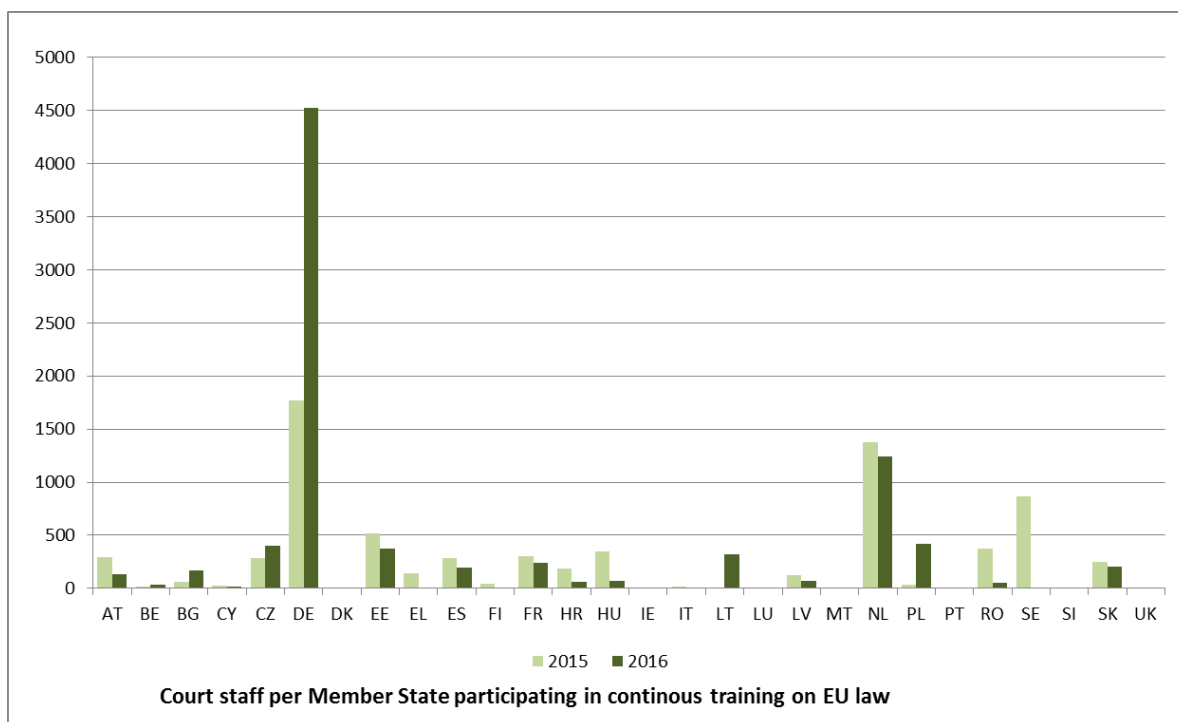


EE: 234%; SI: 184%; LT: 100% (some notaries participated in more than one training activity).

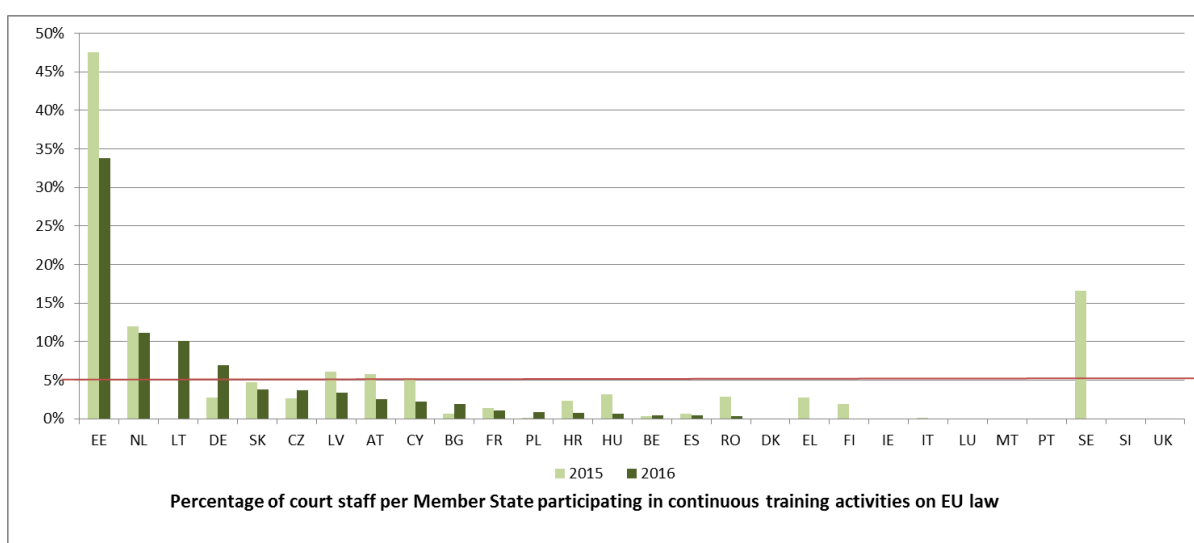
5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law

Participation of court staff per Member State

Each Member State has different types of court staff. They range from court wardens and technical staff to assistants for judges and partially independent clerks taking judicial decisions, in particular in the area of registers and execution of judgements. This diversity entails a wide variety of training needs on EU law or the law of another Member State for the different types of court staff. Although in all Member States court staff exist with respective training needs, the target of training 5% of the practitioners on EU law or on the law of other EU Member States is reached only in 4 Member States for which data are available.



For court staff in DK, LU, MT, PT, SI and UK, no data are available. % in IT and IE are tiny.
For court staff in LT, data are available for the first time.



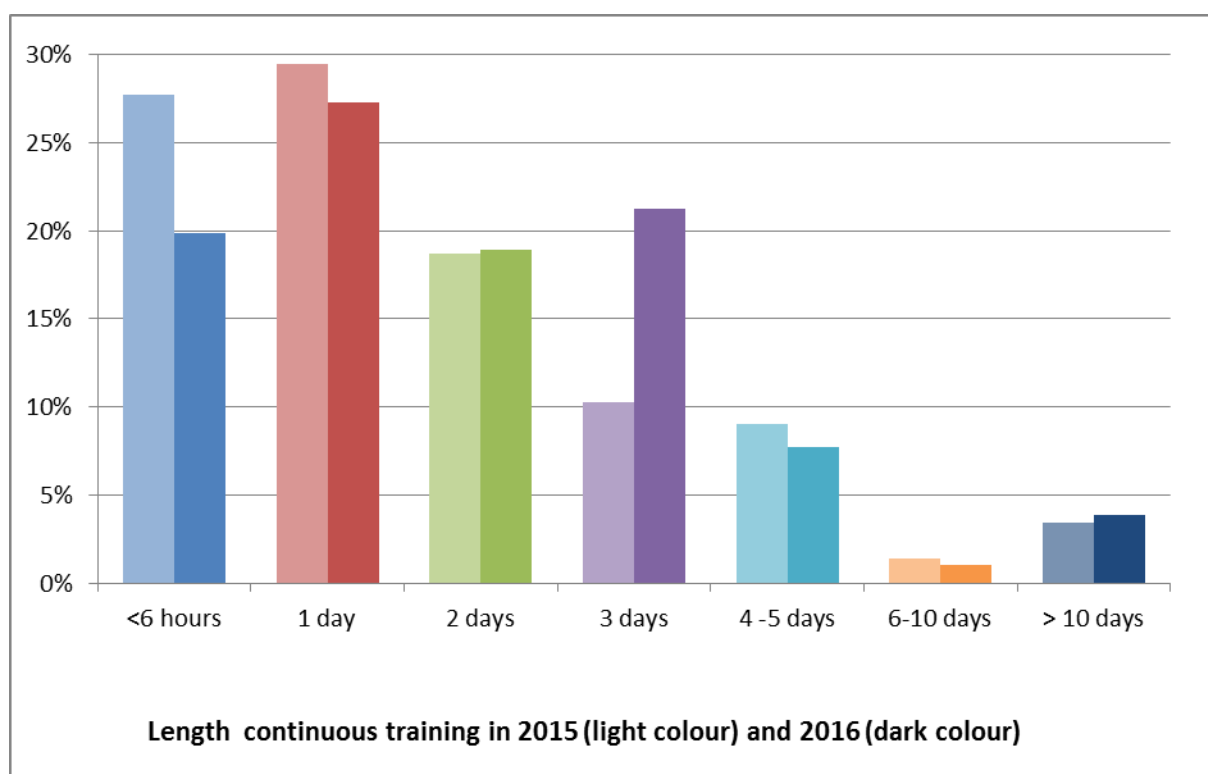
5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

Length of training on EU law

Despite a decrease in the total of activities that lasted less than 6 hours in 2016, the duration of training activities on EU law is still quite short. In 2016, 66% of all **continuous** training activities on EU law lasted for two days or less, 46% of the training activities lasted even 1 day or less, perhaps because some legal practitioners find it difficult to participate in training for longer periods due to work obligations.

As in 2015, in 5 Member States the majority of activities lasted even less than six hours, and in 9 Member States, the training lasted one day or less.¹⁰

A Member State that offers longer training activities may have less participants, compared to a Member State offering the same amount of training days in more numerous and shorter training activities..



Even during their whole **initial** training, half of the participants do not receive more than two days of training on EU law.

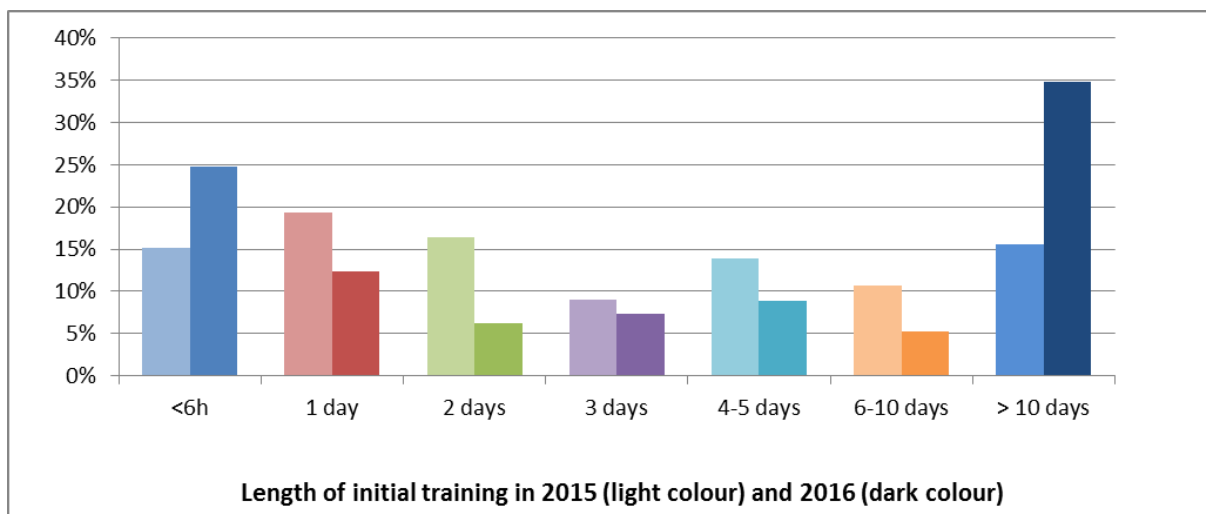
In 2016, compared to 2015 there is a general decrease of the length of initial training on EU law or on law of another Member State combined with a substantial increase of training of a duration of 6 hours or less for initial training.

These figures are also accompanied by an increase of training of 10 days or more at the initial stage. However, this big increase is mainly due to big percentages in 4 Member States and do not represent the situation in the majority of the Member states.

Limited time resources should not prevent participants from following more training on EU law at initial stage. Prior training on EU law at the university can decrease the need for comprehensive EU law training later on. Nevertheless the knowledge of EU law needs to be kept up to date and its practical application should be learned during the initial training. Compared to the overall length of the initial training, two days or less for EU law does not seem to reflect the importance of EU law in the professional practice of future legal practitioners.

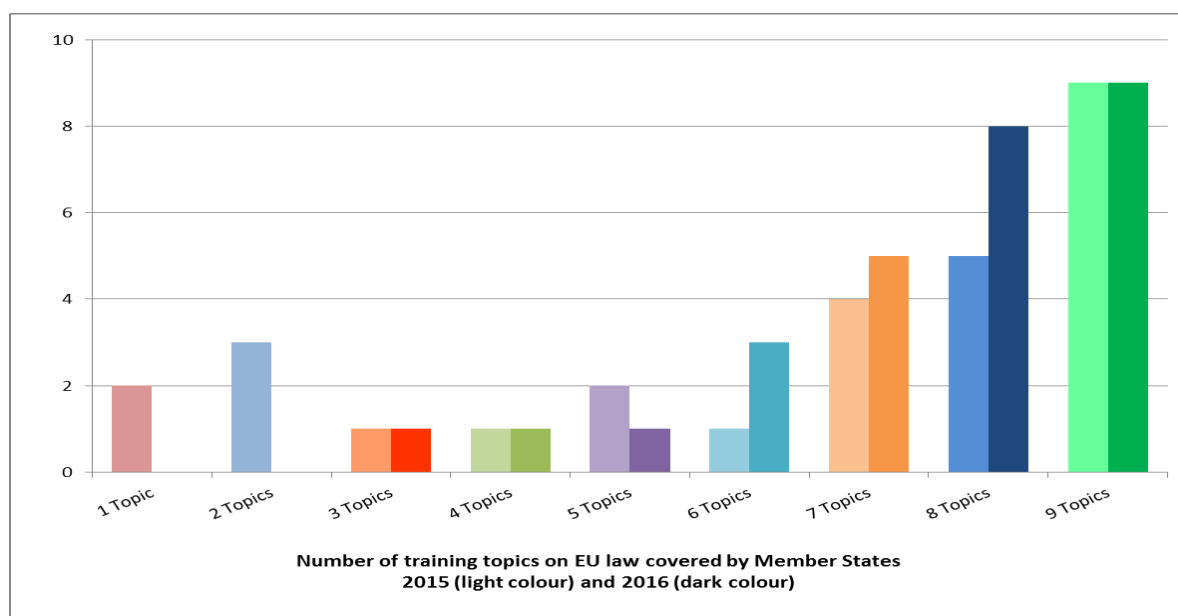
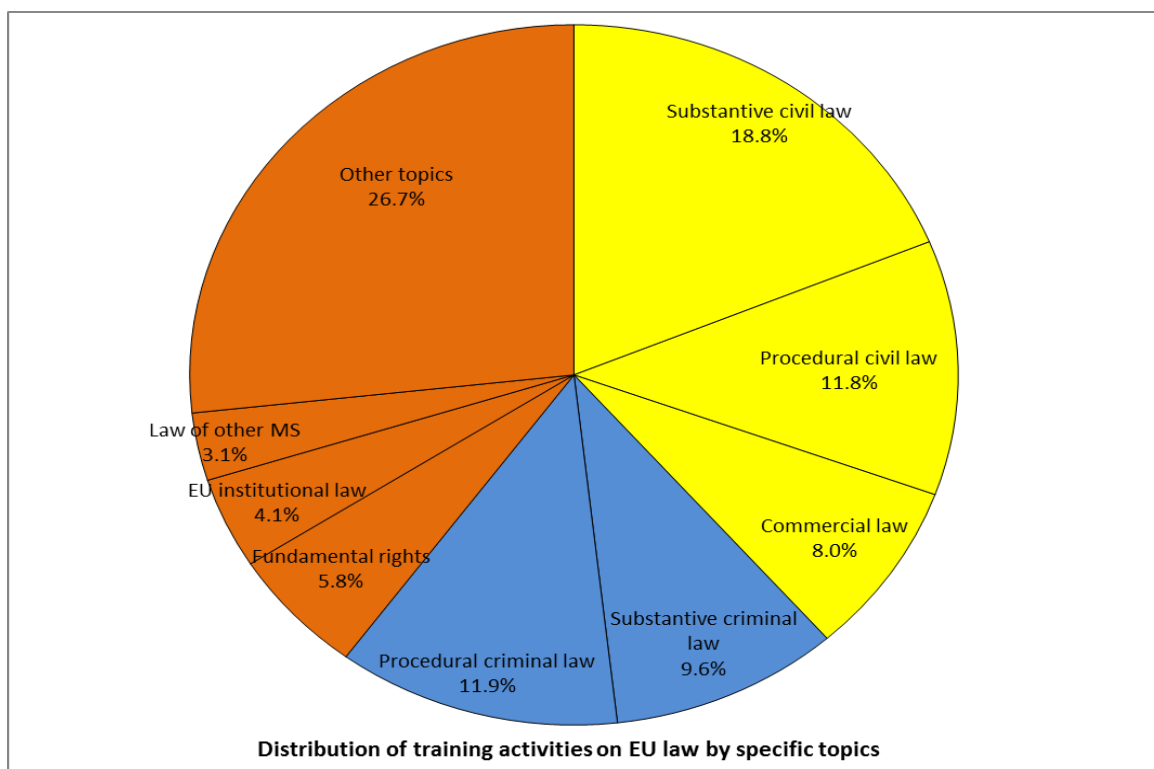
¹⁰ A breakdown of the length by profession is not possible as, for most Member States, only aggregate data on training activities for several professions are available, in some cases because training providers cater for a range of professions.

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Wide range of training topics

Training covered a wide range of EU law topics in 2016, but slightly less than in the year before. Out of nine topic areas (including law of other Member States), in 17 Member States training was offered in at least eight areas, while 2 Member States offered training in less than five topics. Specific training on the law of other Member States (including legal language training) represents only 3.1%.¹¹



¹¹ For the same reason as given in the previous footnote, a breakdown by profession is not available.

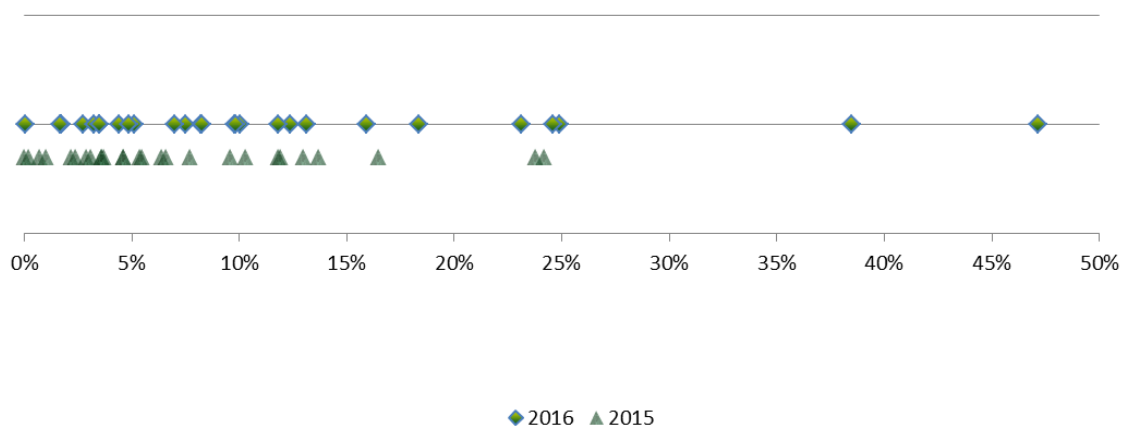
Training in small groups as an indicator of quality

European judicial training is not only about the numbers of participants. The training activities must be of good quality. One possible indicator of quality is the average number of participants attending a training activity, since people usually learn more through interaction and participation than through mere didactic lecturing¹² and this is facilitated by smaller training groups. For this report, the quality factor is assessed by assuming that an average of 30 participants per activity is appropriate. In turn, a smaller number of participants per training activity on average can be one reason for a smaller percentage of participants compared to a Member State offering the same amount of activities.

In order to evaluate whether enough training activities are being offered to reach such a target, the percentage of practitioners per Member State who could have taken part in one activity, with 30 participants per activity on average, was calculated. This was done by using the aggregate number of training activities per Member State (for all legal professions) and the actual number of participants trained in a Member State.

The diagram below shows the percentage of legal practitioners per Member State that could have taken part in one training activity on EU law or on the law of another Member State, if the activities offered in the Member States had 30 participants on average for 2015 and 2016. This percentage would be 100% if there had been enough training activities available to enable all legal practitioners in a Member State to take part in one European judicial training activity with 30 participants. As shown in the chart below, there is some progress towards the 100% for some Member States. However, percentages still range for a majority of Member States between 1% and 25% meaning that the average of activities offered in the majority of the Member States would not seem to take place in small training groups.

Percentage of professionals per Member State able to attend 1 training activity with 30 participants on EU law



Supported by a group of experts on legal training from all legal professions, the European Commission's service DG Justice and Consumers has assembled practical recommendations to ensure the quality of judicial training. This "Advice" also contains links to further resources with examples regarding how to implement the recommendations in practice. The document is accessible on the European judicial training section of the European e-Justice Portal of the European Commission¹³ in all EU languages except Gaelic.

¹² European Commission, *Advice for training providers – European judicial training*, pp. 7-8.
EJTN, *Handbook on Judicial Training Methodology in Europe*, 2016, pp. 21-26.

¹³ https://e-justice.europa.eu/content_training_material-252-en.do

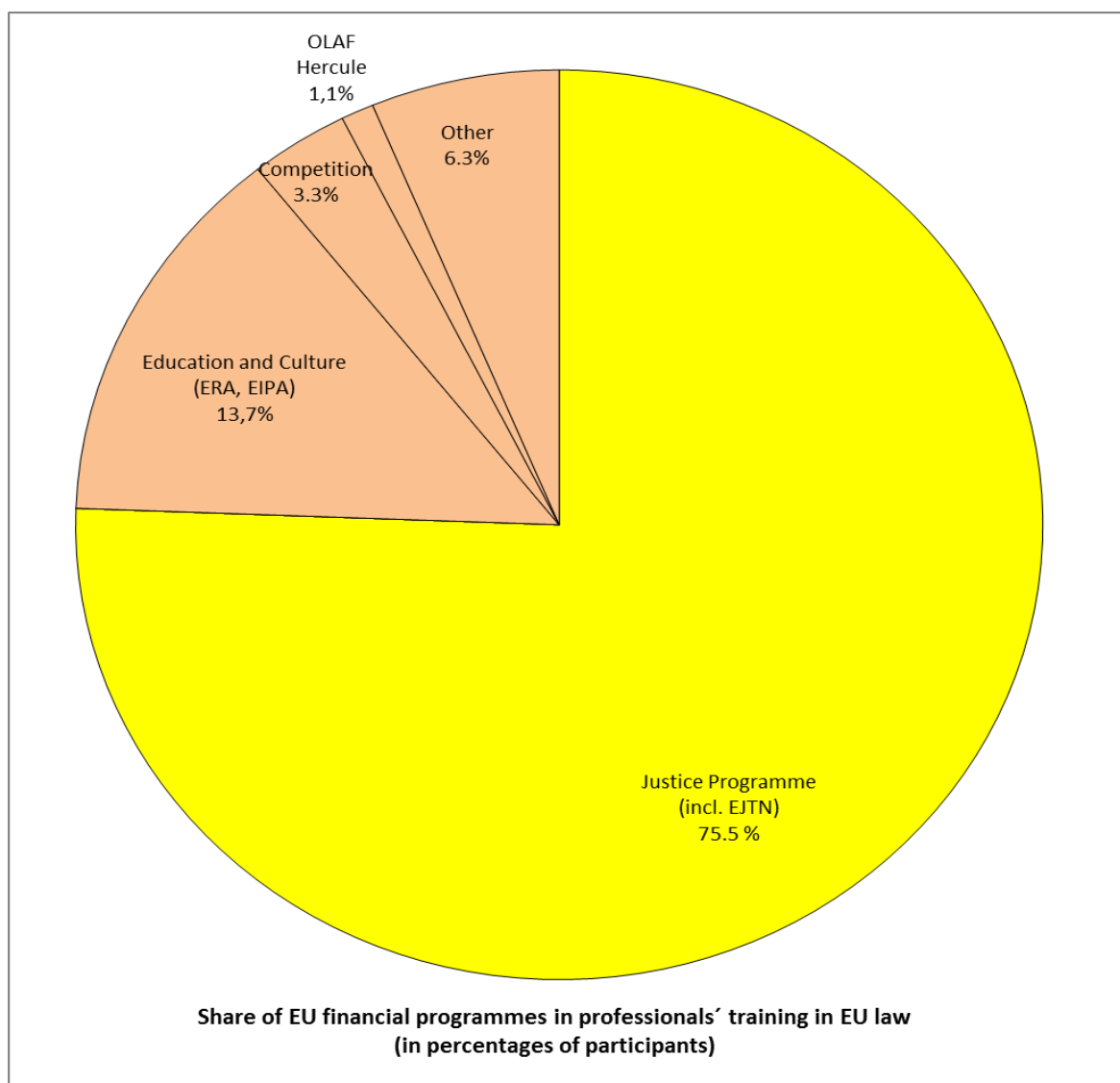
EU-funded training

In 2016 the EU funded the training of more than 18.000 legal practitioners, equivalent to 13 % of all those who took part in European judicial training activities during 2016.

The decrease in the percentage in comparison to 2015 (21%) is due to the increase of the total number of participants and the lack of data for the practioners trained under the European Social Fund. **As relevant national measures supported by the Fund started in 2016, data will be reported in 2017.**

The provider of judicial training on EU law that received the biggest single financial support by the European Commission in 2016 was the European Judicial Training Network (EJTN). Operating grants to support their training activities were also awarded to the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA). The European Union Intellectual Property Office, the European Patent Office, the European Asylum Support Office and to a small extent the European Police College also used EU funds to train legal practitioners.

In addition, the Commission awarded action grants under several of its financial programmes (the Justice Programme in the areas of civil and criminal justice, fundamental rights and competition law; the Programme REC - Rights, Equality and Citizenship -; Hercule III) as well as financial support in some Member States through the European Social Fund. In individual cases, the Commission ordered training activities under service contracts (for the creation of training modules on EU law or for organisation of training seminars).



Next steps

This sixth edition of the report proves that the Commission's aim to train 700.000 practitioners is almost a reality. We are happy to announce that this objective will be reached next year, two years ahead of the deadline.

However, the report still shows that there is room for improvements both on the justice practitioners' side and on the European Commission's side.

There are still huge discrepancies between legal professionals and among Member States. Different training needs do not justify those differences and continued support to training on EU law or on law of another Member State must be ensured at all levels. Length and quality of initial training are crucial to set good and strong roots for justice professionals that must keep themselves updated through consistent and targeted continuous training.

The Commission will continue to closely follow the developments of training on EU law across all legal professions and all Member States. The reporting mechanism proves useful to identify loopholes. The Commission will also maintain the financial support aiming at improving the training offer for the different legal professions. Cooperation and networking among the different training providers are also to be strengthened since it can effectively help in the cross-border cooperation for legal professions.

In parallel, the Commission has started to look ahead and prepare the next EU strategy on judicial training. We will evaluate first and draw conclusions on what has been done so far and on how we could reuse some of the successes we built together with you. We will also look at new challenges that the EU justice area is facing.

For this, we need you. Indeed, to that end a broad consultation¹⁴ has been launched, where all relevant opinions and expertise will help designing the policy of the future. A policy we will have to implement together. A policy we want to build with you.

We are therefore looking forward to having your input to design the best common strategy on European judicial training for the 2019-2025 period.

¹⁴ <http://ec.europa.eu/info/law/better-regulation/initiatives>
Roadmap on "Ensuring Justice in the EU – a Strategy for European Judicial Training 2019-2025": http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5432247_en
Roadmap on "Evaluation of the 2011-2020 European judicial training strategy": http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5430278_en

Abbreviations of Member States

AT	Austria	FI	Finland	NL	Netherlands
BE	Belgium	FR	France	PL	Poland
BG	Bulgaria	HR	Croatia	PT	Portugal
CY	Cyprus	HU	Hungary	RO	Romania
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