



INFORMAL COMMISSION EXPERT GROUP ON EUROPEAN JUDICIAL TRAINING

TERMS OF REFERENCE

1. BACKGROUND

The Commission's Directorate-General for Justice ('DG JUST') set up a group of experts on European judicial training ('the group') in 2010 to receive advice in the process of drafting the first European judicial training strategy and its subsequent implementation. No terms of reference were adopted at the time. The first strategy was adopted in 2011 and elapsed in 2020. Now it is essential that judicial training remains high on the EU agenda and is further strengthened as reflected in the second European judicial training strategy adopted on 2 December 2020. The EU support to judicial training must be sustainable, relevant to the grass root level reality and needs, its effects properly measured and evaluated. Thus the expert the group should continue its activities.

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 adopted in 2011 the Communication '*Building trust in EU-wide justice - a new dimension to judicial training*'². The 2019 evaluation³ of this 2011-2020 European judicial training strategy shows that it 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.

Building on these achievements, the Commission adopted on 2 December 2020 the Communication '*Ensuring justice in the EU - a European judicial training strategy for 2021-2024*'⁴.

Justice professionals must be trained in the area of EU law and be able to adapt to its developments. It is therefore important that a flexible response is brought to EU law training needs. Well trained practitioners play an important role in strengthening a rule of law culture and upholding the rule of law itself. This applies to all justice professionals: primarily judges and prosecutors, but also professions such as court staff, lawyers, notaries, bailiffs, mediators,

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

² COM(2011) 551 final.

³ *Evaluation of the 2011-2020 European judicial training strategy*, Commission staff working document (SWD(2019) 380).

⁴ COM(2020) 713 final.

legal interpreters/translators, court experts, and in certain situations to prison staff and probation officers.

2. TASKS

The group's tasks shall be:

- (a) to assist the Commission's Directorate-General for Justice and Consumers ('DG JUST') in the development and implementation of policy initiatives in the field of judicial training;
- (b) to expand cooperation and coordination between the Commission and national and European stakeholders on the implementation of the European judicial training strategy for 2021-2024;
- (c) to assist DG JUST in the process of regular evaluation and reporting on the implementation of the European judicial training strategy;
- (d) to assist DG JUST in the early preparation of the post 2024 European judicial training strategy;
- (e) to bring about an exchange of experience and good practice in the field of judicial training and required EU support.

3. MEMBERSHIP

1. The group shall be composed of up to 25 members.
2. Members shall be individuals appointed in a personal capacity, as well as individuals appointed to represent a common interest in upscaling judicial training, shared by stakeholders who are involved in providing training, including on EU law, to justice professionals at the European and / or national level.
3. Members appointed in a personal capacity shall act independently and in the public interest.
4. Members appointed to represent a common interest shall not represent an individual stakeholder, but a policy orientation common to different stakeholder organisations.
5. Members who are no longer capable of contributing effectively to the expert group's deliberations who, according to DG JUST's assessment, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meeting of the group and may be replaced for the remainder of their term of office.

4. SELECTION PROCESS

1. The selection of the group's members shall be carried out *via* a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites⁵. The call

⁵ Such as the news section of the European e-Justice Portal: <https://e-justice.europa.eu/home.do?action=home&plang=en&init=true>.

for applications shall clearly outline the selection criteria, including the required expertise and the interests to be represented⁶ in relation to the work to be performed. The minimum deadline for applications shall be four weeks.

2. Individuals applying to be appointed as members of the group in a personal capacity shall disclose any circumstances that could give rise to a conflict of interest. In particular, the Commission shall require those individuals to submit a declaration of interests ('DOI') form on the basis of the standard DOI form for expert groups⁷, together with an updated *curriculum vitae* (CV), as part of their application. Submission of a duly completed DOI form shall be necessary in order to be eligible to be appointed as a member in a personal capacity. The conflict of interest assessment shall be performed in compliance with the Commission's horizontal rules on expert groups ('the horizontal rules')⁸.
3. Registration in the Transparency Register is required in order for individuals representing a common interest to be appointed.
4. The members of the group shall be appointed by the the Director General of DG JUST from specialists with competence in the areas referred to in point 2 and who have responded to the call for applications.
5. Members shall be appointed for four years. They shall remain in office until replaced or until the end of their term of office. Their term of office may be renewed.
6. DG JUST shall appoint alternate members, in accordance with the same conditions as the members, who shall automatically replace any members who are absent or indisposed.

5. CHAIR

The group shall be chaired by a representative of DG JUST.

6. OPERATION

1. The group shall act at the request of DG JUST, in compliance with the horizontal rules⁹.
2. Meetings of the group shall be held on Commission premises or via videoconference.
3. DG JUST shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG JUST, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.

⁶ This is relevant for individuals appointed to represent a common interest (Tybe B members).

⁷ C(2016), Article 11 and Annex 4.

⁸ Idem.

⁹ See Article 13.1 of the horizontal rules.

6. The group shall adopt its opinions, recommendations or reports by consensus.

7. SUB-GROUPS

1. DG JUST may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG JUST. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with point 6 and the horizontal rules¹⁰.

8. INVITED EXPERTS

DG JUST may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an *ad hoc* basis.

9. OBSERVERS

1. Individuals may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Observers may be permitted by the Chair to take part in the discussions of the group and sub-groups and provide expertise. However, they shall not participate in the formulation of recommendations or advice of the group and sub-groups.

10. RULES OF PROCEDURE

On a proposal by and in agreement with DG JUST the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules¹¹.

11. PROFESSIONAL SECRECY AND HANDLING OF CLASSIFIED INFORMATION

The members of the group, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443¹² and 2015/444¹³. Should they fail to respect these obligations, the Commission may take all appropriate measures.

12. TRANSPARENCY

1. The group and sub-groups shall be registered in the Register of expert groups.

¹⁰ See Articles 10 and 14.2 of the horizontal rules.

¹¹ See Article 17 of the horizontal rules.

¹² Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹³ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

2. As concerns the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - (a) the name of individuals appointed in a personal capacity;
 - (b) the name of individuals appointed to represent a common interest; the interest represented shall be disclosed.
 - (c) the name of observers, if any;
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available on the Register of expert groups. In particular, DG JUST shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001¹⁴.

13. MEETING EXPENSES

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done in Brussels, on 2nd December 2020.

¹⁴ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.