



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate B: Criminal justice  
**Unit B.1: General criminal law and judicial training**

Brussels,  
JUST.B1/PC/WP

**EXPERT GROUP ON EUROPEAN JUDICIAL TRAINING**

**Minutes of the meeting**

**1. Format and agenda of the meeting**

The meeting was held online on the Teams platform on 24<sup>th</sup> November and was chaired by the Deputy-Director Criminal Justice, Peter Csonka.

Meeting agenda:

- 10.00-10.15 Introduction
- 10.15-12.00 Upcoming European judicial training report 2021 (2020 data) - discussion on the new questionnaire and the main trends
- 12.00-14.00 Break
- 14.00-16.15 Commission's leverage to boost training in the countries, among the professions and on the topics that lag behind (financial support, political support, networking, reporting, etc.), discussion based on the written contributions
- 16.15-16.30 Next steps: upcoming EC calls, ETP developments, 2022 European judicial training conference

**2. Participants of the Meeting**

<b>Members of the Expert Group on European judicial training 2021-2024</b>			
No	Name	Profession/ organisation	Comment
EC representatives			
1.	Peter Csonka	Deputy Director JUST.B	
2.	Wojciech Postulski	Policy Officer JUST.B1	
3.	Lena Geckle	Policy Officer JUST.B1	
4.	Pierre Minoves	Bluebook	

		trainee JUST.B1	
Type A members			
1.	Aneta Arnaudovska	Judge	Judge; Senior Anti-Corruption Advisor in Regional Anti-Corruption Initiative in Serbia;
2.	Cindy Fökehrer	Notary	Notary; Head of Brussels Office of the Austrian Chamber of Civil Law Notaries;
3.	Dariusz Adam Zuba	Expert witness, forensic expert	Director of Institute of Forensic Research;
4.	Diana Ungureanu	Judge	Judge, Court of appeal;
5.	Jean-François Thony	Prosecutor	President of the Siracusa International Institute for Criminal Justice and Human Rights; retired prosecutor;
6.	Pedro das Neves	Prison services	Member of the Board of Directors ICPA - International Corrections and Prisons Association; CEO IPS Innovative Prison Service;
7.	Peter Goldshmidt	EIPA	European Institute Public Administration, antenna Luxembourg Director;
Type B members			
1.	Cédric Le Bossé	EPTA	Representative of the European network of Penitentiary Training Academies (EPTA); International relations officer in National Correctional Administration Academy (ENAP);
2.	Gerard Tangenberg	EJTN	Representative of the European Judicial Training Network EJTN
3.	Eva Pastrana	CoE	Representative of the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe; Head of the “Judicial and Human Rights Training” Division;
4.	Giovanni Pansini	CCBE	Representative of the Council of Bars and Law Societies of Europe (CCBE); Member of the CCBE Training Committee; Lawyer;
5.	Maria Daniela Amodeo-Perillo	EULITA	Representative and President of the European Legal Interpreters and Translators Association; Translator;
6.	Raul-Mihai Rădoi	CNUE	Representative and Secretary General of Notaries of Europe - CNUE

7.	Victor Vadasz	ENCJ	Representative of the European Network of Councils for the Judiciary (ENCJ); member of the National Judicial Council; member of ENCJ board; judge;
8.	Walter Szöky	EUR	Representative and General Secretary of the European Union of Rechtspfleger (EUR); Rechtspfleger;

### 3. Points discussed

The aim was to discuss four main points:

1. Introduction
2. Upcoming European judicial training report 2021 (2020 data) - discussion on the new questionnaire and the main trends
3. Commission's leverage to boost training in the countries, among the professions and on the topics that lag behind (financial support, political support, networking, reporting, etc.), discussion based on the written contributions
4. Next steps: upcoming EC calls, ETP developments, 2022 European judicial training conference

#### 3.1 Introduction

The Chairman submitted the agenda for the adoption, presented the state of play on the European Judicial training Report 2021 and recalled the following conclusion of the last meeting of the expert group held in April 2021: (1) need to use Commission's leverage to boost judicial training and (2) adoption of the New Strategy as a package to modernise justice systems in the EU including also a communication on digitalisation of EU justice systems.

In addition, the Chairman presented the digitalisation package which was going to be adopted by the College of Commissioners on the 1<sup>st</sup> of December 2021: digitalisation of cross-border judicial cooperation, digital information exchange in terrorism cases of EUROJUST, Joint Investigation Teams (JITs) collaboration platform; and the Proposal for the revision of the Environmental Crime Directive which was going to be adopted by the College of Commissioners on the 14<sup>th</sup> of December 2021 and this will have an impact on judicial training.

#### 3.2 Upcoming European judicial training report 2021 (2020 data) - discussion on the new questionnaire and the main trends

The Chairman invited COM to present the state of play of the 2021 Report and the members of the Expert Group to share main challenges with data collection and reporting, only those that were not already reported to EC and might lead to further improvements.

COM presented the main figures of the Report – 65.000 initial trainees trained and 230.000 professionals in continuing training. It is a huge increase in comparison to 2019, even though it needs to be balanced as the figures, if analysed in details, could be seen as less fortunate than what it seems. More specifically, the figures are skewed by the lawyers who experienced a huge increase in their formation rate (especially in Italy where 130.000 lawyers have been trained on EU law online, also under the HELP program of CoE); whereas the figures for other professions

experienced very substantial drops. This phenomenon can be explained by the COVID-19 pandemic. In countries, which managed to adapt fast or were already in the phase of increasing the digitalisation of training, the numbers of training have increased, such as in the Netherlands where the numbers of judges' training have doubled. This situation might be reflected also in the 2021 report to be published in 2022. Moreover, it has to be said that there were less contributions to the report in comparison to previous years. In addition, many questionnaires were only partially filled out. Hence, some data both for EU Member States but also for Western Balkans countries are missing.

## Discussion

The success of the HELP program has been presented as due to its significant digitalisation it was highly beneficial in times of pandemic. However, digitalisation cannot be achieved in one day and developing digitalised training material requests specific competences. It is easier for countries, which have already embraced digitalisation, such as Italy and the Netherlands.

Data collection is difficult and a specific effort should be made on that. It is essential to include WB data in the report in order to create an incentive to better communicate their data regarding judicial training. The expression used to speak about 'WB' should be "observers" rather than WB.

Switching to online training has one problem of availability of stable connection. EJTN had an initiative to provide the schools with equipment to solve these problems. There are downsides of digitalisation. Digitalisation of training activities represents a huge challenge, as it needs resources. Online training cannot be improvised.

There is also an upside: it gives huge opportunity to improve numbers of training and to fulfill the statistical goal identified by the Commission for instance, in the Netherlands more training were provided with huge drop of costs. If these technologies can be used, the requirements of the Commission for the next years will be met. There is need of clarification around the notion of eLearning as not all online activities should be considered as eLearning.

Data collection needs to be improved.

### **3.3. Commission's leverage to boost training in the countries, among the professions and on the topics that lag behind (financial support, political support, networking, reporting, etc.), discussion based on the written contributions**

The Chairman identified five key points in the written contributions received from members of the Expert Group to be discussed among the group:

- Independence of training Institutions,
- Topics that lag behind: rule of law, non-legal topics, embedding EU law in national curriculum,
- Professions that lag behind: lawyers, court staff, legal interpreters and translators, penitentiary staff,
- Western Balkans training,
- Commission financing.

COM presented the summary of the written contributions:

As regards the independence of training institutions, it was stated that in some Member States the selection of participants is not based on merits or objective criteria and that there is not an equal access to training (two relevant examples – where one can identify some issues of independence – were mentioned: case of cross border training and training of judges). Some of the proposals drafted by members of the Expert Group are the following:

- Creation of written guidelines in order to ensure transparent selection to take part in training,
- Implementation of an external evaluation mechanism to assess the efficiency of the aforementioned guidelines and how they are used in practice,
- Creation of an entity which would address the complaints about non-independent selection,
- EU funds for training should take into consideration the independence of the selection process and support only training Institutions where the selection process is transparent and objective.

The following topics lag behind: rule of law, non-legal topics, embedding EU law in national curriculum. Although, there is a lot of training at EU level on rule of law, this is not the case at national level. Furthermore, in most Member States even though the training is supposed to deal with rule of law, in practice it only concerns some ethics issue. Likewise with training methodology, where there is only little transfer of innovation between the EU and national level. There is not sufficient training at national level on these topics.

Professions that lag behind are lawyers, court staff, legal interpreters and translators, penitentiary staff. Even though, there is huge progress in order to assess their needs, it is still an ongoing process. Interpreters need more support for training. Prison and probation staff needs to benefit more from the funding of the Commission. Lawyers need EU law competence to complement the role of the judges that often are limited in ex officio reference to facts and law.

Some members of the Expert Group suggested creating at EU level a support team to provide training for court staff, implement a study on court staff needs and improve the funding for court staff training.

Western Balkans training is not an easy topic. The quality and quantity of training is not sufficient among those countries. EJTN and EU support programmes should be more opened for candidate countries. There is a need to work on a methodology to assess the objectives reached or not in those countries. Furthermore, Commission financing is not fully clear to beneficiaries because of diversity of funding schemes and there is no clear information on how to benefit from them. There is a need to have more narrowly designed programs to improve clarity.

## Discussion

### *3.3.1. Independence of training institutions*

Members of the Expert Group discussed the following. There is nearly no day passing without a judgement of the Court of Justice concerning the rule of law (one of the recent examples is an issue of preventing judges from requesting directly the CJEU to issue a preliminary ruling, even though judges are enabled to do so). Both initial and continuing training is essential but there is a major issue on the independence of the selection process of the participants in training. There is not an easy answer on how to solve this problem. The European Complaint form is not very feasible right now. A solution would be to create a pool of judges and prosecutors who speak a foreign language, as this would be an objective criterion. This is a huge issue in some member

states. A good illustration of the aforementioned situation is a case in Hungary where the national institutional office chose a judge with only one year of experience to attend a meeting which would have been a major career booster. Hence, in Hungary, judges have realised that there is no need to apply to training programmes as the selection process is not independent and not based on objective criteria.

In addition, national networks could undertake to ensure the independence of the choosing institution. A scoreboard could be also used to choose those candidates who would have scored the highest rate/grade and the candidates would be assessed by a pool of examiners who would not be related to the candidates. The national judicial associations could be involved in the process of selection of the candidates, as they might be more independent than the appointing authority.. Selection done by training authorities cannot be always fully reliable where there are issues of independence. The EJTN could recommend their members to select the participants laying down some criteria in order to assess the candidates. Even though, the scoreboard could be a relevant idea, nevertheless, for short-term training, Member States cannot be forced to undertake a long process of selection because *inter alia* there is a need for sufficient amount of participants in those training. Moreover, regarding the selection process, one cannot disregard that there is a need to trust partners as no one has the sufficient resources to double check the candidates identified by the Member States. Experts are not very keen on the idea of sanctioning financially Member States.

Several members of the Expert Group support reinforcing the role of national judicial associations in the selection process, for instance by establishing a direct application process within the EJTN; however golden rule of the EJTN is that the selection process should remain within the Member States.

### *3.3.2. Topics that lag behind: Rule of law, non-legal topics, embedding EU law in national curriculum*

CoE brought the example about a HELP course on environmental and human rights based on self-learning, which held in summer and the figures showed that there was a huge interest. Hence, self-learning could be an answer in order to better promote certain topics. Regarding rule of law and fundamental rights, they were welcomed when integrated within other topics of training. Furthermore, family law has been identified as a center of interest, which should not be overlooked; likewise, there is a great interest in public procurement.

### *3.3.3. Professions that lag behind: lawyers, court staff, legal interpreters and translated, penitentiary staff*

It concerns professions, which might not meet the numerical objectives set out by the Commission, such as Court staff. An idea that is discussed to be implemented soon is to record a series of videos of the CJEU, which would cover different aspects of the procedures in front of the CJEU. This would allow substituting live streaming with those videos and would help legal professions, such as lawyers. CJEU would be opened to that and they already cooperate with EULITA in order to implement this project.

Regarding court staff, national associations could be used to promote and make them feel part of the whole environment. CoE is more and more open to provide training for all professions. Networking would need to be fostered to improve the involvement of all professions. There is a need for greater coordination on the training courses for lawyers, but also the need to create incentives and benefits both from EU and national levels.

### *3.3.4. Western Balkans training*

Commission's strategy priorities judicial training in Western Balkans and a lot is happening in this respect even though there is need to do more. EJTN should be open to those countries. Written contribution concerning the Western Balkans training is based on consultations with all academics in the region as well as in Moldova. A huge amount of money has been invested in judicial training and justice system in the Western Balkans countries, ex: EUR 10 million in Bosnia and Herzegovina. IPA projects are very slow in answering professionals' needs. There is limited visibility of EU funding, while Western Balkans professionals are not aware of the ETP.

### *3.3.5. Commission financing*

Presentation from the COM of all the opportunities of financing training programmes.

## **3.4. Next Steps**

The Chairman presented the next steps:

The call for proposals for action grants to support transnational projects on judicial training covering civil law, criminal law or fundamental rights (JUST-2022-JTRA) was published on 22 November, and will be open for submission of proposals from 15 December 2021 until 22 March 2022. The total budget available for the call is EUR 5.000.000. The co-financing rate is 90%. The key priorities for 2022 under this call are to contribute to the effective and coherent application of EU law in the areas of civil law, criminal law and fundamental rights, as enshrined in the EU Charter of Fundamental Rights, and the rule of law related issues, by helping to address the training needs of justice professionals in these fields. The 2022 priorities will concentrate funding on training activities and tools for the following training providers:

- for justice professionals, and/or
- for multipliers, such as judicial trainers or EU law court coordinators, where there are guarantees that the multipliers will pass on their knowledge to justice professionals in a systematic way, and/or
- for cross-professional training, in order to stimulate discussions across judicial professions about the application of EU law and contribute to a European judicial culture across professional boundaries on precisely identified topics of relevance to the concerned professions.

The Justice call for proposals 2022 under the Justice Programme has also been published on 22 November, and will be opened for submission of proposals from 15 December 2021 until 15 March 2022. The indicative budget available for the call is EUR 2 800 000. The projects to be funded under this call are the following:

- Projects facilitating electronic cross-border interaction and communication between judicial authorities, as well as with citizens, businesses and practitioners in judicial proceedings;
- Integration of electronic multilingual standard forms into national e-government systems, in the context of Regulation (EU) 2016/1191;
- Participation in the following e-CODEX use cases: European Small Claims Procedure, European Order for Payment and iSupport;
- Participation in the e-Evidence Digital Exchange System, set up following the Council conclusions on improving criminal justice in cyberspace from 9 June 2016.

- Participation in the Find a Lawyer (FAL) search tool hosted on the e-Justice Portal;
- Participation in the Find a Notary (FAN) search tool hosted on the e-Justice Portal;
- Participation in the Find a Bailiff (FAB) search tool hosted on the e-Justice Portal;
- Implementation of the European Case Law Identifier (ECLI) in case law repositories and interconnection with the e-Justice Portal;
- Participation in the Land Registers Interconnection (LRI) hosted on the e-Justice Portal;
- Participation in the European Court Database (in both civil and criminal justice) hosted on the e-Justice Portal;
- Support the development of concrete use cases based on artificial intelligence and distributed ledger technology in the justice area.

The Chairman presented the ETP developments:

The Chairman outlined the 2022 European judicial training conference to be held on 22-23 February 2022 in Bordeaux. It will address judges, prosecutors and lawyers, while other professions are invited to participate online. It is a European institutional event organised by the French National School of Magistracy in partnership with the Directorate General for Justice of the European Commission involving French and European judicial experts and professionals. It will focus on links between the initial training of magistrates and other justice professionals and the effectiveness of the rule of law within the European Union. Objectives of the conference are the following:

- How to boost the European dimension of the initial training for the judiciary and lawyers;
- How initial professional training being the access way to the judicial and legal professions - can secure effective judicial protection, the cornerstone of the rule of law, thus responding to one of the priorities of the French Presidency which is to create “a Europe that protects”;
- Exchange best practices in order to improve the inclusion in initial training curricula of the EU acquis on the rule of law and fundamental rights and training in the various European mechanisms for the protection of fundamental rights as well as building European legal and judicial culture based on the rule of law from the early stage of professionals’ training.

The Chairman closed the meeting informing that the next meeting is planned for spring 2022, while the exact date and format of the meeting depend on the development of the pandemic situation in the EU.