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**EVALUATION**

**of the**

**2011-2020 European judicial training strategy**

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## 1. INTRODUCTION

Any rule, no matter how carefully drafted and prepared is only effective if it is implemented properly in practice, as emphasised in the Juncker Commission's 'Better regulation and the implementation and enforcement of EU law'<sup>1</sup> priority. Legal practitioners involved in the administration of justice (judges, prosecutors, court staff, lawyers, notaries, bailiffs, etc.) play a special role in guaranteeing that laws are applied correctly. Training of legal practitioners on EU law is therefore essential to ensure that EU legislation is correctly understood and applied throughout the EU. The European Commission adopted a European judicial training strategy in 2011<sup>2</sup>, which set specific objectives for training justice professionals to be reached by 2020.

The purpose of evaluating the European judicial training strategy is to assess to what extent the implementation of the strategy was successful between 2011 and 2017, whether there were drawbacks and whether the current strategy is still fit for today's challenges. The evaluation will help to improve the implementation of the strategy until end 2020 and will serve as a basis for designing a potential post-2020 strategy for European judicial training.

The evaluation includes an assessment of EU financial support related to European judicial training covering the period 2011 to 2017. The evaluation covers all EU Member States, as well as candidate countries and potential candidates that are preparing for membership and neighbourhood countries<sup>3</sup> that want to model their systems on that of the EU.

Since European judicial training is a shared competence and requires action by the justice professions, the Member States and the EU, action at EU and national levels were assessed as far as possible. The analysis was based on the following evaluation criteria: effectiveness, efficiency, relevance, coherence, EU added value and sustainability.

## 2. BACKGROUND TO THE INTERVENTION

### Origin of the intervention

The 2002 Commission communication on 'Better monitoring of the application of Community law'<sup>4</sup> identified training for judges as an important tool to enforce

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<sup>1</sup> 2019 European Commission Work programme, [https://ec.europa.eu/info/sites/info/files/cwp\\_2019\\_en.pdf](https://ec.europa.eu/info/sites/info/files/cwp_2019_en.pdf).

<sup>2</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Building Trust in EU-wide Justice – A new dimension to European judicial training, COM(2011) 551, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=EN>.

<sup>3</sup> In particular Ukraine.

<sup>4</sup> Commission Communication, Better monitoring of the application of Community law, COM(2002) 725 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1538569535013&uri=CELEX:52002DC0725>.

‘Community’ law. The 2007 Commission communication ‘A Europe of results — applying Community law’<sup>5</sup> reaffirmed this.

The origins of the European judicial training strategy can be traced back to policy developments in 2006, with a Commission Communication on judicial training in the EU<sup>6</sup>. This Communication mentioned three key areas for improvement in the judicial profession: language skills, familiarity with EU law and familiarity with the law in other Member States<sup>7</sup>.

The entry into force of the Lisbon Treaty provided a legal basis<sup>8</sup> for the EU to create a strategy for judicial training. In the same year, the 2010 action plan from the Stockholm programme<sup>9</sup> and the EU citizenship report<sup>10</sup> both declared judicial training in the EU to be a priority. The 2010 Monti report, ‘A new strategy for the Single Market’<sup>11</sup>, also invited the Commission and the Member States to further support training programmes and structures, so that judges and other legal practitioners have a solid knowledge of the Single Market, ensure the correct application of EU law, and therefore, improve the effectiveness of the Single Market.

In 2010, the European Commission launched a wide consultation of all stakeholders in the EU on training for legal practitioners on EU law. From the consultation, it emerged that legal practitioners believed training on EU law to be extremely important, yet underfunded and taken up by an insufficient number of legal practitioners<sup>12</sup>. Differences in training on EU law depended on several factors, such as the nationality, age, academic background and profession of legal practitioners. This was a problem both for individuals, who would not be able to make use of EU legislation relevant to their case, and for the EU, as it posed a major obstacle to the effective implementation of EU law.

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<sup>5</sup> Communication from the Commission — A Europe of Results — Applying Community Law, COM(2007) 502 final, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52007DC0502>.

<sup>6</sup> Communication from the Commission to the European Parliament and the Council on judicial training in the European Union, COM(2006)356 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52006DC0356>.

<sup>7</sup> Ibid., points 24 to 27.

<sup>8</sup> Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the European Union (TFEU) concerning judicial cooperation in civil and criminal matters state that the EU should take measures to ‘support the training of the judiciary and judicial staff’.

<sup>9</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan Implementing the Stockholm Programme, COM(2010) 171, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2010:0171:FIN>.

<sup>10</sup> European Commission, EU citizenship report 2010: Dismantling the obstacles to EU citizens’ rights, COM(2010) 603, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0603:FIN:EN:PDF>.

<sup>11</sup> M. Monti, A new strategy for the Single Market, 9 May 2010, <http://ec.europa.eu/DocsRoom/documents/15501/attachments/1/translations>.

<sup>12</sup> European Commission 2010 Consultation on European judicial training General, Synthesis of responses, p. 3-4, <https://e-justice.europa.eu/fileDownload.do?id=901f343a-a884-4279-869b-39393084f027>.

The creation of a European judicial culture was deemed essential to create a European judicial area in the framework of the European area of freedom, security and justice<sup>13</sup>.

As a result, in 2011, the Commission published a Communication entitled ‘Building trust in EU wide justice — A new dimension to European judicial training’<sup>14</sup> (‘the European judicial training strategy’ or ‘the strategy’).

### **The intervention’s objectives and logic**

In the European judicial training strategy, the Commission set objectives for training legal practitioners on EU law and the law of other countries to improve the application of EU law and mutual trust in cross-border judicial proceedings. Legal practitioners are judges, prosecutors, courts’ staff, and the other legal professions involved in the administration of justice, such as lawyers and notaries. The Commission called on all stakeholders at national and EU level to ensure the strategy was implemented effectively and European judicial training was improved quantitatively and qualitatively.

The strategy’s intervention logic shows how the strategy’s various inputs and activities inter-relate to achieve its higher-level objectives.

As shown in Figure 1 below, the strategy was adopted based on the **need** to ensure the proper functioning of the European judicial area and internal market. On this basis, its **general objectives** have been to contribute to the effective implementation of EU law and to improve access to justice and legal certainty for citizens and businesses. This was to be accomplished by focusing on the following **specific objectives**:

- legal practitioners should have a good knowledge of EU law, of EU judicial cooperation instruments and of the laws of other Member States;
- legal practitioners should trust each other in cross-border judicial proceedings;
- citizens and businesses across the EU should benefit from their rights deriving from EU law.

To achieve this, the **operational objectives** set at the time of the adoption of the strategy included:

- increasing the number of judicial training activities, including judicial exchanges;
- increasing the number of overall / co-funded beneficiaries of training sessions and exchanges, including via e-learning;
- channelling more financial support to European judicial training activities;
- improving the reach of training activities on EU law, by targeting all groups of legal practitioners and covering all EU Member States, candidate countries and potential candidate countries; priority was given to judges and prosecutors, however the strategy recognises the need to train other legal professionals such as court staff, lawyers, and notaries;

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<sup>13</sup> European Commission, EU citizenship report 2010 – refer to footnote 10 of this Staff working document.

<sup>14</sup> COM(2011) 551 – refer to footnote 2 of this Staff working document.

- improving national training programmes and regulations, e.g. by integrating EU law into national initial training and ensuring mutual recognition of training attended abroad;
- improving the capacity of training providers to train more practitioners in high quality training activities, e.g. by strengthening the European Judicial Training Network (EJTN)<sup>15</sup> and encouraging consortia and public-private partnerships;
- improving the quality of training on EU law, e.g. by developing the European e-Justice Portal as support, drafting guidelines on methodologies and sharing best practice;
- supporting training on legal terminology in foreign languages.

As an **input**, the EU and the Member States provide funding, which facilitates various types of **activities** implemented by the European Commission, EU-level partners (e.g. the EJTN, the Academy of European Law – ERA, and the European Institute of Public Administration –EIPA-Luxembourg) and Member States’ training providers and organisations for justice professions. These activities included, for example, training activities, conferences, staff exchanges, drafting guidelines and methodologies and publication of an annual report on European judicial training. Through its activities (such as annual conferences and methodological guidelines), the Commission acts as an active partner of the EU Member States, candidate countries and training providers. Through its funding, the Commission aims to support high-quality cross-border judicial training projects. As another **input**, the Member States set up rules governing training of legal practitioners. This led to **activities** by the national authorities responsible for training legal practitioners, such as training regulations, obligations and programmes<sup>16</sup> and mutual recognition of training. Private-sector bodies, such as training providers or justice professionals associations, also provide some funding via their share of the co-funding when taking part in EU financial programmes.

In terms of **outputs**, these inputs and activities were expected to lead to:

- an increased number of judicial training activities at national and EU level, including a minimum of 1,200 exchanges for experienced judges and prosecutors organised by the EJTN;
- by 2020, half of all legal practitioners in the EU to have taken part in at least one European judicial training activity, including e-learning, and 20,000 participants per year supported by EU financing; new judges and prosecutors should take part in an exchange programme and all legal practitioners should have at least a week’s training on EU law during their career;
- an increased proportion of financial support devoted to judicial training;
- enlarged reach of European judicial training with more professions of legal practitioners receiving training on EU law and a wider geographical reach;

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<sup>15</sup> The EJTN brings together the judicial training institutions of the EU Member States, as members, and those of some candidate countries and potential candidates to the EU, as observer members.

<sup>16</sup> The content of these can vary and can cover *inter alia* who is in charge of delivering training, whether there is any initial training, whether ongoing professional training is obligatory, what topics should be covered by the training, etc.

- improved national regulatory framework, for example EU law to be included in initial training programmes and mutual recognition of training attended abroad;
- A strengthened EJTN, new partnerships, including public-private partnerships; increased capacity of training providers;
- improved quality of training activities, published guidelines on methodology and evaluation and an improved training section of the European e-Justice Portal;
- increased support for training on legal terminology in foreign languages.

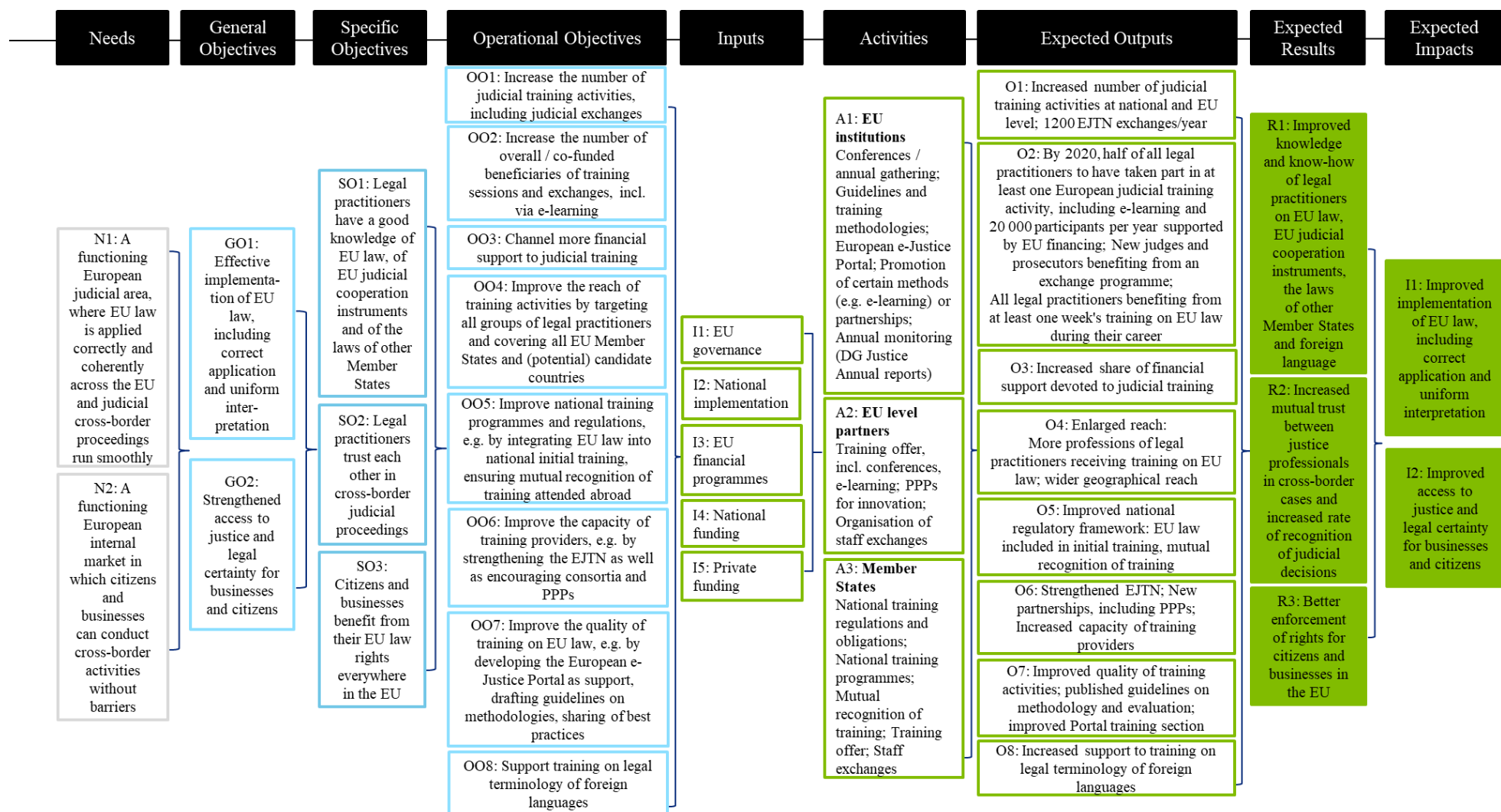
**Flagship quantitative objectives of the 2011 strategy, to be reached by 2020:**

- **Half of all EU legal practitioners should have taken part in training on EU law;**
- **EU financing should support training on EU law for at least 20,000 legal practitioners per year;**
- **The EJTN should organise at least 1,200 exchanges for (experienced) judges and prosecutors;**
- **All new judges and prosecutors should take part in an exchange programme;**
- **All legal practitioners should have at least 1 week of training on EU law during their career.**

As for the **results**, it was expected that legal practitioners would gain knowledge and know-how relevant to applying EU law, that they would increasingly trust each other in cross-border proceedings and that citizens and businesses would benefit from better enforcement of their rights derived from EU law. Overall, the **impact** of the strategy would be to improve the implementation of EU law and access to justice.



**Figure 1 — the European judicial training strategy's intervention logic**



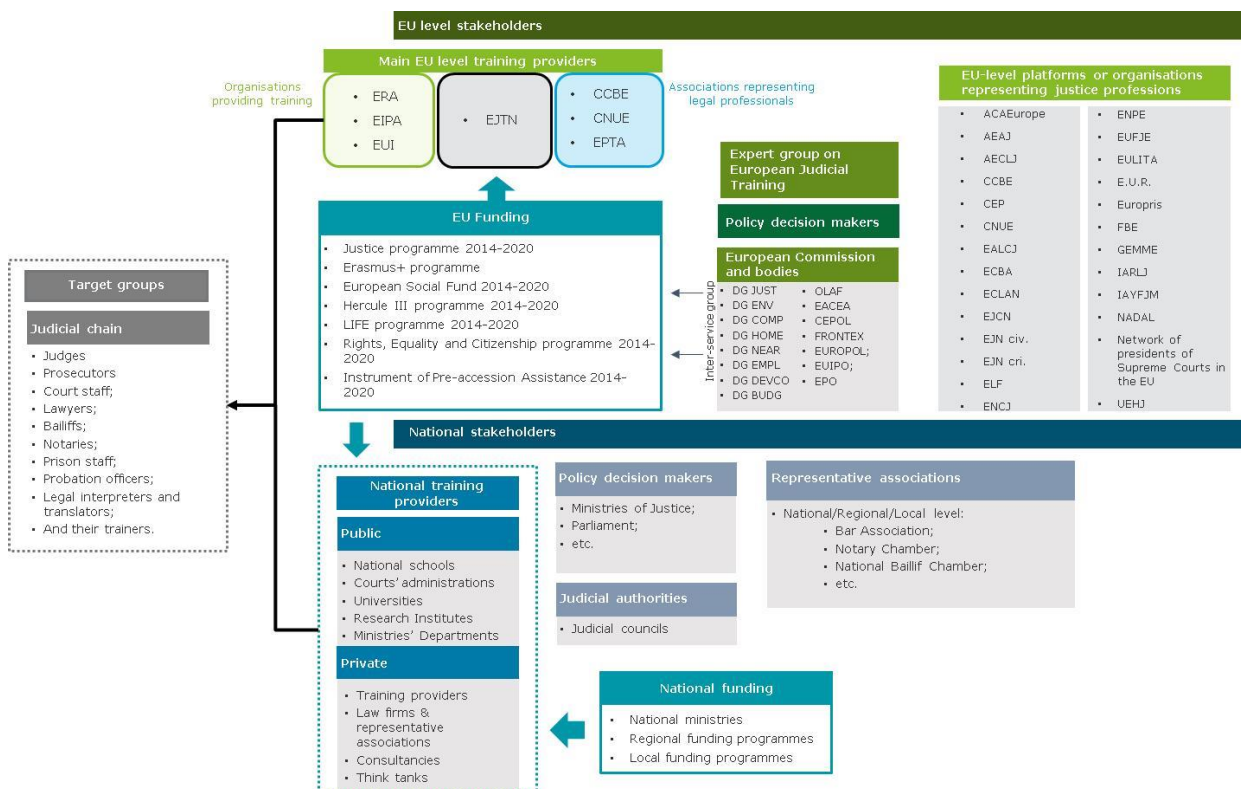
## Functioning and implementation of the strategy

The implementation of the strategy is based on intertwining political, logistic and financial contributions, from four main categories of actors:

- Participating countries, which set training obligations (if any) and training programmes at national level, provide both initial (where it exists) and continuous training, and base their action on existing training institutions and organisations for justice professionals;
- EU-level training providers, whose role is to develop and deliver cross-border training activities;
- EU-level organisations for justice professionals, whose role is to promote and/or to organise cross-border training activities;
- the European Commission, which has a supporting role and provides a financial and operational framework notably to EU and national training providers and organisations for justice professionals.

Figure 2 provides an overview of the way the strategy works and the stakeholders involved.

**Figure 2 — the functioning of the European judicial training strategy**



Governance is provided by two main bodies: the European Commission's interservice group and the European Commission Expert Group on European judicial training<sup>17</sup>, which is responsible for supervising the strategy and assessing the needs and gaps in

<sup>17</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2241>

judicial training at EU level. The Commission monitors the activities carried out as part of the strategy and provides an annual progress report on implementation of the strategy. In these reports, implementation is measured through the number of legal practitioners trained against the quantified objectives of the strategy.

Several EU financial programmes support the implementation of the strategy. Since 2014, the main funding for judicial training has been provided by the Justice programme<sup>18</sup>, which replaced the Civil Justice programme<sup>19</sup> and the Criminal Justice programme<sup>20</sup>. This provides financial support for training activities such as exchanges, workshops and the development of training modules. Another financial programme is the Rights, Equality and Citizenship programme (REC<sup>21</sup>), with an allocated budget of €439 million for the 2014-2020 period<sup>22</sup>. It funds, among other activities, training activities on equality, non-discrimination and fundamental rights, such as those to support the rights of women, children and minorities.

Under the Erasmus+ programme<sup>23</sup>, Jean Monnet Activities support designated institutions that pursue objectives of European interest and provide training activities for legal practitioners. Among these, the Academy of European Law (ERA) is the main EU-level judicial training provider which receives a Jean Monnet operating grant<sup>24</sup>.

Three other funding programmes for judicial training are sector-specific. In the Hercule III programme<sup>25</sup>, judicial training is part of a broader European strategy of the European Anti-Fraud Office (OLAF) to fight against fraud and corruption. The part of this programme dedicated to legal and antifraud training finances studies, conferences, training, seminars and exchanges, but is not exclusive to legal practitioners. The Instrument for Pre-accession Assistance (IPA)<sup>26</sup> provides funds for the EU candidate

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<sup>18</sup> Justice programme 2014-2020, Regulation (EU) No 1382/2013, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1398443724131&uri=CELEX:32013R1382>; 2014-2017 annual Justice work programmes of the Justice programme: [http://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index\\_en.htm](http://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm).

<sup>19</sup> Decision No 1149/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme Civil Justice as part of the General Programme Fundamental Rights and Justice: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431351221457&uri=CELEX:32007D1149>.

<sup>20</sup> Council Decision of 12 February 2007 establishing for the period 2007 to 2013, as part of the General Programme on Fundamental Rights and Justice, the Specific Programme Criminal Justice: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1424945199344&uri=CELEX:32007D0126>.

<sup>21</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship programme for the period 2014 to 2020, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R1381>.

<sup>22</sup> This amount refers to the whole programme, not only to the envelope dedicated to judicial training.

<sup>23</sup> Erasmus+ programme 2014-2020, Regulation (EU) No 1288/2013, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R1288> and via the Jean Monnet Activities: [https://eacea.ec.europa.eu/erasmus-plus/actions/jean-monnet\\_en](https://eacea.ec.europa.eu/erasmus-plus/actions/jean-monnet_en).

<sup>24</sup> The European Centre for Judges and Lawyers in Luxembourg is not supported by the operating grant received by EIPA.

<sup>25</sup> Hercule III programme 2014-2020, Regulation (EU) No 250/2014, [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.084.01.0006.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.084.01.0006.01.ENG).

<sup>26</sup> Regulation (EU) No 231/2014 establishing an Instrument for Pre-accession Assistance 2014-2020 (IPA II), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0231>.

countries and potential candidate countries<sup>27</sup>, while the European Neighbourhood Instrument also supports judicial training activities for countries of the eastern and southern neighbourhood<sup>28</sup>. Since 2008, the LIFE programme<sup>29</sup> has funded training activities on EU environmental law for the judiciary (under a procurement contract).

Finally, the European Social Fund (ESF)<sup>30</sup>, as part of its thematic objectives, provides funding for vocational training and lifelong learning, including judicial training, as well as support for increasing the institutional capacity of public authorities and stakeholders, and efficient public administration. Support for judicial training was included in some of the ESF's national implementation programmes<sup>31</sup>.

### **Baseline and points of comparison**

The baseline sets out the situation before the strategy was adopted and provides a point of comparison against which the functioning of the strategy is to be evaluated. The proposal for the strategy was not accompanied by an impact assessment or systematic analysis of the situation at the time, so baseline data comes from studies and reports from the European Parliament and the Commission prior to 2011.

The provision of judicial training is not one of the domains in which legislation is supposed to be harmonised across EU Member States. The EU does not have competence to regulate the requirements of legal professions, and each Member State sets its own requirements for legal practitioners in terms of recruitment, preliminary experience and training. Training activities are usually divided into initial training activities, and continuous training activities<sup>32</sup>. However, differences exist in how Member States organise 'initial training'. In addition, due to different national requirements, legal practitioners do not need to undertake initial training in some Member States.

From the 2011 data available, three main trends emerged regarding **participation in EU law training activities by judges and prosecutors**<sup>33</sup>. First, the extent of participation depended on the age of the practitioners: younger practitioners attended more training

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<sup>27</sup> The candidate countries are Albania, North Macedonia, Montenegro, Serbia and Turkey. The potential candidates are Bosnia and Herzegovina and Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence).

<sup>28</sup> Regulation (EU) No 232/2014 establishing a European Neighbourhood Instrument (ENI), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0232>.

<sup>29</sup> Regulation (EU) No 1293/2013 on the establishment of a Programme for the Environment and Climate Action (LIFE), [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2013.347.01.0185.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2013.347.01.0185.01.ENG).

<sup>30</sup> Regulation (EU) No 1304/2013 on the European Social Fund, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R1304>.

<sup>31</sup> 2018, European Commission, Study on the extent to which and how Member States used the ESF and the ERDF in the 2007-2013 and 2014-2020 programming periods to support their justice system, p. 59, 127.

<sup>32</sup> Initial training is training that takes place at the earliest stage of a practitioner's career, and is usually part of the requirements for entering legal practice; continuous training is training that takes place at various stages of a practitioner's career.

<sup>33</sup> Source: Deloitte final report, page 32.

activities on EU law than older ones. Second, participation differed across the EU: training on EU law in 2011 was more prevalent in the newer Member States. Third, training on other fields of law was generally more common than training on EU law.

**Training activities** ranged from traditional courses and seminars, case studies and practice-oriented activities, to videoconferences and training based on e-learning resources. Overall, data suggest a clear preference for activities that put legal developments in context, such as case studies, and for the use of modern technologies, e.g. e-learning. One of the constraints that emerged from the 2011 European Parliament survey, namely a lack of time for some practitioners to take part in training activities, helps to explain this preference. However, national stakeholders based most of their training exclusively on traditional training activities (such as conferences, seminars and face-to-face lectures). Only a minority used information and communication technology. One can also distinguish between activities carried out with participants all coming from the same Member State, and activities involving a cross-border (or transnational) element, mainly judicial exchange programmes. **Most training activities were not cross-border, providing training solely within the territory of each Member State.**

A 2011 European Parliament survey inquired into **knowledge of EU law**, showing that up to that year, respondents (judges, prosecutors and some court staff) perceived their level of knowledge as insufficient to guarantee a high quality of decisions involving EU law<sup>34</sup>. This was also emphasised by a number of policy documents published up to 2011, which all highlighted the problem that a large proportion of judges and prosecutors had never received sufficient training on EU law to master relevant legislation and case-law in their daily practice<sup>35</sup>. Of the respondents to the 2011 survey, as many as 28% of judges (30% of last instance judges) admitted to knowing only to a minor extent when EU law must be applied directly — 68% of the responding judges did know at least to some extent. Dismal figures were also observed in relation to knowledge of the procedure for a preliminary ruling<sup>36</sup> before the Court of Justice of the EU. As many as 40% of the respondents had no or scarce awareness of the circumstances under which they could or must trigger this procedure, and 60% of respondents had no or scarce awareness as to how to do so. In addition to these low levels of knowledge of EU law before the strategy was adopted, mastery of **foreign languages** among legal practitioners was also not very common. The 2011 survey showed that many respondents had insufficient knowledge of foreign languages.

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<sup>34</sup> European Parliament (2011), Directorate-General for Internal Policies, Judicial training in the European Union Member States, pp. 112 and following, p. 139, available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI\\_ET\(2011\)453198\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf).

<sup>35</sup> See: COM(2006) 356 on judicial training in the European Union, and COM(2011) 551 final Building trust in EU-wide justice a new dimension to European Judicial training.

<sup>36</sup> This procedure allows (or obliges, in case of last instance courts) national courts to refer a question on the interpretation or validity of EU law to the Court of Justice of the EU, when such a judgment is needed to resolve a national dispute. See Article 267 TFEU.

Despite the inherent difficulty in measuring **mutual trust**, most policy documents indicate that the level of trust prior to the strategy's adoption needed improvement<sup>37</sup>.

Before the strategy was implemented, no study had focused specifically on comprehensively examining the level of **recognition and enforcement of cross-border judgments in civil and commercial matters**. However, the findings of two detailed studies on the Brussels I Regulation<sup>38</sup> indicate that, before 2011, the EU procedural rules on recognition and enforcement of judgments in civil and commercial matters in other Member States were generally understood and applied in a satisfactory manner. The 2005 study, however, showed that there was still uncertainty among judges regarding specific procedural issues<sup>39</sup>.

The results of a public consultation carried out by the Commission in 2010 indicated that many stakeholders<sup>40</sup> placed high importance on strengthening training activities on EU procedural law related to cross-border judgments<sup>41</sup>. These results suggest that, despite the good overall level of recognition and enforcement of foreign decisions, many practitioners did not feel sufficiently familiar with the day-to-day application of the underlying rules. In addition, a report from the Council of Europe European Commission for the efficiency of justice (CEPEJ) on the efficiency of enforcement of court decisions in Europe<sup>42</sup> noted that enforcement officers employed by Member States should undertake training that met the same standards set for judges and lawyers<sup>43</sup>.

### 3. IMPLEMENTATION / STATE OF PLAY

Various studies, annual monitoring and other activities conducted in the course of implementing the strategy and its evaluation provide data on the current state of play<sup>44</sup>. These are compared with the baseline in more detail in Section 5.

This section sets out the state of play in 2017 (and compares this with the baseline) for:

- legal practitioners participating in training activities on EU law<sup>45</sup>;

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<sup>37</sup> See e.g. European Parliament, Directorate-General for Internal Policies, Workshop on Judicial Training, Session II — Improving Mutual Trust (2013), pp. 6, 13, 18 and 20.

<sup>38</sup> Brussels I Regulation (Council Regulation (EC) 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters). Study JLS/C4/2005/03 — Report on the Application of Regulation Brussels I in the Member States. COM(2009) 174 final, Report by the Commission to the European Parliament, the Council, and the Economic and Social Committee on the application of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

<sup>39</sup> Mainly related to different national practices on how to understand the notion of 'recognition' and 'enforcement'.

<sup>40</sup> Mainly: EU-level training providers, EU-level organisations of justice professionals, ministries of justice of the EU Member States.

<sup>41</sup> European Commission, 2010 Consultation on European judicial training: General synthesis of responses, pp. 3, 9. The public consultation received 572 replies.

<sup>42</sup> European Commission for the Efficiency of Justice (CEPEJ), *Report on the Enforcement of Court Decisions in Europe*, 2007.

<sup>43</sup> Ibid. p. 109.

<sup>44</sup> Except for mediators, for whom data are incomplete and unreliable.



- legal practitioners' knowledge of EU law and level of mutual trust;
- the activities of the European Commission<sup>46</sup>.

Table 1 below shows the numbers of **legal practitioners who participated in training activities on EU law between 2011 and 2017**<sup>47</sup>.

**Table 1. Number of justice professionals per professions who participated in training activities on EU law between 2011 and 2017**

	2011	2012	2013	2014	2015	2016	2017	
Judges	27,002	24,697	26,868	37,483	28,346	48,544	60,846	
Prosecutors	8,072	8,292	7,945	9,886	10,635	11,276	14,397	
Court staff	6,907	3,434	6,976	6,191	11,065	12,024	15,830	
Private practice lawyers, solicitors, barristers	26,676	23,000	57,495	65,342	59,945	59,988	71,418	
Bailiffs, judicial officers	3,013	1,445	2,102	3,673	3,129	2,731	3,744	
Notaries	4,969	3,372	5,797	9,508	11,806	9,173	15,470	
Mediators	195	1,405	237	557	N/A	146	281	<b>Total</b>
<b>Total</b>	<b>76,834</b>	<b>65,645</b>	<b>107,420</b>	<b>132,640</b>	<b>124,926</b>	<b>143,882</b>	<b>181,986</b>	<b>833,333</b>

Sources: Deloitte based on European Commission data

As shown in the table above, except for a slight dip in 2012, the total number of legal practitioners participating in training on EU law or on the law of another Member State has been continuously increasing since the strategy was launched in 2011. In 2017, 181,986 legal practitioners across the EU were trained on EU law. This figure represents 11.3% of all practitioners active in the EU in that year, and is more than double the percentage of legal practitioners trained in 2011 (5%). Participation percentages followed patterns similar to the previous years, varying greatly depending on the target group. As many as 60,846 judges (73.4% of all active judges) were trained in 2017, followed by 14,397 prosecutors (38.7%) and 15,470 notaries (29.2%). With regard to bailiffs, 3,744

<sup>45</sup> The numbers of practitioners in each legal profession (used for calculating the percentages) and the definitions of the professions were taken from the 2018 CEPEJ study on European judicial systems (data 2016): Efficiency and quality of justice.

<sup>46</sup> The activities of EU-level training providers are described in section 5.1 Effectiveness. No overview exists of national activities organised in this area.

<sup>47</sup> See

[An](#) example of progress on reaching as many justice professionals as possible is provided by the efforts to make training accessible to people with disabilities. ERA training courses and some online training provided via the European e-Justice Portal were made accessible to people with disabilities. ERA also provides special accommodation to participants with disabilities.

Figure 6 for the proportion of and changes to the numbers of trained legal practitioners between 2011 and 2017.

(12.9%) received training in 2017. The number of trained lawyers is 71,418 (7%)<sup>48</sup>. There were 15,830 trained court staff (4%), continuing the ongoing improvement from 2016 compared to previous years.

It is worth looking at the **geographical trends** in the participation of legal practitioners over the years in order to understand how the situation in some Member States has affected the overall picture.

From 2011 to 2012, there was a drop in the total number of trained practitioners as a result of only half the number of court staff taking part in continuous training activities. This was due to decreases in participating court staff in the majority of Member States, in particular in Czechia, the Netherlands, Poland and Spain. A fall in the number of trained lawyers was caused by significant drops in the number of lawyers participating in training in the Netherlands, Portugal and Spain, despite increases in France and Germany. With regard to notaries, the decreases in Germany and Italy explain in part the general decrease at EU level, but the decrease in the percentage of trained notaries was largely due to a major increase (10,000) in the number of total active notaries in 2012. Conversely, the slight increase in the number of trained judges resulted from initial training activities being undertaken by twice as many judges as the previous year. In this category, the increases in Austria, Croatia, France, Hungary and the United Kingdom more than outweighed the decreases, which were mainly in Germany and Poland.

From 2012 to 2013, there was an extraordinarily steep increase of the lawyers' figures on participation in initial training and especially in continuous training activities. This resulted from steep increases in participation in both initial and continuous training activities in Bulgaria, Czechia, Estonia, France (an eight-fold increase in continuous training), Greece, Lithuania, Portugal, Romania (a more than ten-fold increase overall) and Spain (from 0 to more than 13,000 lawyers in continuous training)<sup>49</sup>.

From 2013 to 2014, we saw an overall increase in judges participating in initial training activities, which was mainly a result of increases in France, Germany (a more than ten-fold increase), the Netherlands and the United Kingdom. In addition, the number of lawyers taking part in initial training increased considerably, mainly as a result of increases in Austria, Croatia and especially Poland (an almost ten-fold increase).

From 2014 to 2015, the figures relating to initial training of judges fell, in contrast to the previous year, dropping to values similar to 2013. This was mainly caused by the number of judges taking part in initial training in Germany going back down to 2013 levels, and even fewer judges in France taking part in training. Decreases in Italy, Spain and the United Kingdom also contributed to the general fall. There was an overall decrease in the number of trained lawyers participating in continuous training, mainly due to drops in

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<sup>48</sup> The figures in relation to training for lawyers are incomplete, as private-sector training providers do not usually provide data when the annual monitoring reports are drawn up.

<sup>49</sup> Another explanation of the increase of lawyers' training lies with improvement in data collection from some lawyers' training providers.



France, Ireland, Poland (from more than 10,000 to just around 1,500) and Portugal. These decreases more than outweighed the increases in Bulgaria and in the United Kingdom.

From 2015 to 2016, the trend in the number of judges undertaking initial training shows another drastic change, similar to that from 2013 to 2014. This was mainly the result of very significant increases in the number of German judges participating in initial training activities, from just above 600 to more than 11,000. In light of this and the changes in previous years, Germany can be described as exerting the biggest influence, among EU Member States, on trends in the participation of judges in initial training between 2013 and 2016. The 2017 monitoring report<sup>50</sup> also explains that the significant increase in the number of trained judges in 2016 reflects a growing interest in EU law among these practitioners. The number of lawyers participating in continuous training activities has also gone back up, particularly as a result of increases in France, Greece and Spain. The number of notaries participating in training generally decreased at EU level. According to the 2017 monitoring report, this decrease can be explained by the fact that, in 2015, notaries stopped benefiting from an EU grant that helped them be trained in the latest developments on EU law relating to their profession. This grant had been one of the reasons for the increase seen in the training of notaries before 2015<sup>51</sup>.

From 2016 to 2017, both the absolute numbers and participation ratios improved for all justice professions. Despite the decrease in judges taking part in training in Portugal, the overall number in the EU increased, particularly as a result of training in Bulgaria, Czechia, Germany, Hungary, Poland and Sweden. Germany and Portugal had the greatest effect on the rise in the total number of trained prosecutors. Court staff members also were more involved in training activities during this year, particularly in Belgium, Bulgaria, Czechia and Romania. Despite a significant decrease in the numbers of lawyers taking part in training in France, steep increases in Austria and Spain, along with smaller increases in Belgium, Estonia, Greece, Italy, Sweden and Slovenia, meant that the overall number of trained lawyers rose to over 70,000. There was an increase in the number of trained bailiffs, mainly as a result of increases in Spain (but also in Czechia, Italy and Slovakia). Figures for notaries also rose, as a result of increases in Spain and Italy particularly, as well as Czechia.

Although the overall **number of trained legal practitioners** grew each year, this increase also reflects the increased number of legal practitioners in the EU — which grew by 9.4% since 2011. However, the increase in the number of trained practitioners has been far higher than the increase in the total number of practitioners, in particular for judges.

With the financial support from the EU's Justice programme, the EJTN has organised **judicial exchanges** for judges and prosecutors across different Member States. Since

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<sup>50</sup> 2017 Annual report on European judicial training. Available here: [https://e-justice.europa.eu/content\\_the\\_european\\_judicial\\_training\\_policy-121-en.do](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do).

<sup>51</sup> Ibid., p. 12.

2011, the number of judges and prosecutors taking part in judicial exchanges has grown steadily. In 2017, the EJTN organised almost three times as many exchanges as in the strategy's first year (2,694 compared with 928 in 2011)<sup>52</sup>.

**Training activities** took place using a variety of methods, including classrooms (with case studies or more theoretical teaching), seminars, webinars, conferences, videoconferences, e-learning, blended learning and podcasts. According to the results of the 2018 targeted consultation carried out by the European Commission as part of this evaluation, respondents<sup>53</sup> organised or took part in multiple types of training activities, including exchanges, conferences, interactive workshops, class courses and roundtables, e-learning and blended learning<sup>54</sup>. (This latter was more frequent since 2011 than before then.)

There was also variation in the **duration** of the training activities. Short-term (fewer than 6 hours) continuous training activities increased each year except in 2016. Overall, the number of continuous training activities lasting 1 or 2 days has increased from 2011 to 2017. These activities, together with those lasting fewer than 6 hours, accounted for 66-77% of the total number of continuous training activities, showing that legal practitioners have a clear tendency to take part in shorter training activities than longer ones<sup>55</sup>.

The share of longer initial training activities on EU law (more than 5 days) increased between 2011 and 2017, reaching almost 50% of initial training activities in 2017. However, training activities of 1 day and less still account for 20% of all reported initial training activities on EU law in 2017<sup>56</sup>, while such duration seems surprisingly short to cater for the initial training needs on EU law of the concerned justice professionals.

Participants attended training on a wide range of **legal areas** involving EU law (namely: substantial civil law, civil procedure law, substantial criminal law, criminal procedure law, commercial law, EU law of fundamental rights, EU institutional law, and law of other Member States). Civil law was the primary focus area and there has been a consistent pattern across the years following a steep increase in substantial civil law from 2011 to 2012. Criminal law was also the focus of a significant number of activities. However, more general activities, classified as 'other activities', appear the most frequent, possibly either because the data collected at national level does not specify the exact content of the activities or because the activities cover a mix of topics<sup>57</sup>.

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<sup>52</sup> Refer to

[Table 7. EJTN funding and activities \(2011-2017\)](#), Annex 5, p. 96.

<sup>53</sup> Respondents to this consultation included both training providers and practitioners.

<sup>54</sup> European Commission, Analysis of the replies to the 2018 targeted consultation on training of justice professionals on EU law, 2018, pp. 5 and 32, [https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices\\_en](https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en).

<sup>55</sup> Source: Deloitte based on European Commission's data. Deloitte's report, p. 44.

<sup>56</sup> Ibid, p. 46.

<sup>57</sup> Ibid, pp. 44-45.

In 2018, around 61% of the respondents to the public consultation had some or good or very good **knowledge of EU law** and EU judicial cooperation instruments, and only 10% knew the legal system of another Member State well or very well. These figures appear slightly less positive than the results of the 2011 European Parliament survey, but the figures of the 2011 survey on the same topic only concern judges and prosecutors so they are only comparable to some extent. Based on analysis of the interviews with national stakeholders, the external study supporting this evaluation<sup>58</sup> found that stakeholders believe that legal professionals' knowledge of EU law has increased to some extent in all Member States since the strategy's inception; in some cases this increase is deemed substantial.

The two main reasons behind these results, which were indicated by the respondents in 2018, were a lack of time to attend training on EU law and the difficulty many practitioners had in seeing the relevance of EU law in their daily practice<sup>59</sup>. In 2018, stakeholders agreed that the degree of **mutual trust** had increased from 2011 to 2017<sup>60</sup>. Regarding **recognition and enforcement of cross-border judgments in civil and commercial matters**, the current situation results from the adoption of the Brussels Ia Regulation<sup>61</sup>, which came into effect in 2015. It seems that the abolition of the exequatur procedures<sup>62</sup> led to an improved situation. The 2015 evaluation of the Brussels II bis Regulation<sup>63</sup> identified implementation hurdles linked to practitioners' knowledge and/or understanding of the rules. However, very few cases of non-recognition were reported, and enforcement was considered to be hindered mainly by legal procedures and, to a lesser extent, by a lack of knowledge and training on the relevant provisions. The European Commission's proposal to recast the Brussels II bis Regulation acknowledged the need to train judicial practitioners on the Regulation's provisions<sup>64</sup>.

After the strategy on European judicial training was adopted in 2011, **the European Commission** took up a coordinating role in this field. It organised regular EU conferences, bringing together relevant stakeholders, and meetings of the Expert Group on European judicial training and an internal interservice group. The Commission published annual reports on European judicial training summing up the main EU judicial training achievements each year and gave statistical data and analyses (broken down by

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<sup>58</sup> [https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices\\_en](https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en)

<sup>59</sup> 2018 European Commission, Public consultation, 2018, [https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation\\_en](https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation_en).

<sup>60</sup> Source: Deloitte based on European Commission's data. Deloitte's report, page 53.

<sup>61</sup> Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast).

<sup>62</sup> Exequatur is a concept specific to private international law and refers to the decision by a court authorising the enforcement in that country of a judgment, arbitral award, authentic instrument or court settlement given abroad.

<sup>63</sup> European Commission, Study on the assessment of Regulation (EC) No 2201/2003 and the policy options for its amendment, Final Report, Evaluation, p. 33.

<sup>64</sup> European Commission, Proposal for a Council Regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast), p. 12.

justice profession and Member State) and promoted best practice in the field through the European e-Justice Portal and by publishing the ‘Advice for training providers’<sup>65</sup>.

**EU financial support** for judicial training from various financial programmes almost doubled during 2011-2017, from €14.5 million in 2011 to €27.3 million in 2017, amounting to more than €150 million over the period<sup>66</sup>.

## 4. METHOD

### Short description of methodology

Desk research and a literature review were complemented by a comprehensive stakeholder consultation strategy, comprising a variety of complementary tools: meetings with stakeholders<sup>67</sup>, the Expert Group on European judicial training, an open public consultation, a targeted consultation and a conference with stakeholders. Attendees at the conference were mainly training providers for justice professionals and representatives of the justice professions. A workshop involving the JURI and LIBE committees took place in April 2017, ensuring the European Parliament was consulted very early in the process. The Commission organised two meetings of the Expert Group on European judicial training in 2017 and 2018<sup>68</sup>.

In 2018, the European Commission launched a public consultation and a targeted consultation<sup>69</sup> as part of its evaluation. These consultations included questions to assess justice professionals’ training needs on EU law, the levels of knowledge of EU law and mutual trust among justice professionals, the scope of training activities on EU law for justice professionals, the scope of the European judicial training strategy, its results, its means and actors and the monitoring of the strategy. While the public consultation was intended for anyone with an interest in or experience of judicial training, the targeted consultation was particularly directed at European judicial training stakeholders (training providers at national and EU level, associations for justice professionals, government ministries etc.) The stakeholder conference was organised subsequently to discuss the consultations’ findings<sup>70</sup>.

To complement its work, the European Commission commissioned a study to help evaluate the European judicial training strategy (conducted by Deloitte). The intervention logic was refined and the evaluation matrix was agreed, thereby operationalising the evaluation questions to be answered. Data collection comprised the following tools: desk research and literature review, fieldwork or phone interviews in all Member States and

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<sup>65</sup> [https://e-justice.europa.eu/content\\_training\\_material-252-en.do](https://e-justice.europa.eu/content_training_material-252-en.do)

<sup>66</sup> More details can be found in Section 5.1.1(c), page 26, and in Annex 5, page 95.

<sup>67</sup> EJTN, ERA, EIPA-Luxembourg, CCBE, CNUE.

<sup>68</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2241>.

<sup>69</sup> European Commission (2018), Open public consultation and Targeted consultation: [https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation\\_en](https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation_en).

<sup>70</sup> See Annex 2 Stakeholder consultation, page 80.

three candidate countries, meetings and a validation workshop. The data were analysed and triangulated to address the evaluation criteria<sup>71</sup>. The study's conclusions are set out in a final report<sup>72</sup>.

### **Limitations and robustness of findings**

The first limitation is that while some data are fully available, for others the information has been difficult to gather. Some accuracy issues affect the annual judicial training reports from the Commission, as the main source of data for these is a data collection exercise based on questionnaires to which the stakeholders (EU level and national training providers for legal practitioners) respond themselves. This explains the different levels of response rate, depending on the professions, and the lack of or incomplete data for some profession in some participating countries<sup>73</sup>. To overcome this limitation, in-depth interviews were conducted. Data were triangulated and its robustness was discussed in a validation workshop.

Regarding the specific objective of training half of legal practitioners by 2020, a critical assessment of this target should be made for the accuracy of the figures. In fact, the size of the group of “EU legal practitioners” of 2011 is not the same as that of 2020, as a period of 10 years could equal a fluctuation of between one third and one fifth of the components<sup>74</sup>. Moreover, the number of legal practitioners grew since 2011<sup>75</sup>. Statistics provided include recurrent participants in the trainings. This could influence the proportion of individual legal practitioners effectively targeted by the strategy, but the annual reports considered that this mitigation is not a really significant one, since “it is reasonable to assume that few practitioners are likely to take part in more than one training activity on EU law or the national law of another Member State in any one year”<sup>76</sup>.

The evaluation relied on a number of different data sources, including a public consultation and a targeted consultation. These were analysed using descriptive statistics, while recognising the limitations of the evidence collected. The statistical significance is arguable, since the online open public consultation respondents are self-selected among those who visit related European Commission internet pages, receive relevant email notifications after expressing interest with European Commission services (e.g. through its Europa web site), or are provided with the information through some third party.

The number of respondents to the targeted consultation was even more limited. They were initially selected to ensure at least minimal coverage among the main categories of

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<sup>71</sup> See Annex 4 Methods, page 91.

<sup>72</sup> [https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices\\_en](https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en)

<sup>73</sup> See Annex 4 Methods for further details, page 91.

<sup>74</sup> i.e. of 1,400,000 practitioners in 2011, about 300,000 will have been replaced by new members of the professions in that period even if the group does not grow.

<sup>75</sup> In 2011, half of the practitioners in the EU would have equalled 700,000, whereas in 2018, half of legal practitioners was approximately 800,000. These calculations are based on the data of the CEPEJ Reports regarding the number of legal practitioners in the EU Member States.

<sup>76</sup> 2018 Annual Report on European Judicial Training 2018, p.5.

stakeholders affected, rather than through a statistical sampling strategy, and are also self-selected, by accepting or declining invitations to participate.

A geographical imbalance was found among the respondents to the public consultation: 30% were from Germany, 20% from Italy and 9% from Spain<sup>77</sup>. In the targeted consultation, respondents were more evenly distributed among Member States (19% from Spain, but 7-9% from Croatia, France, Germany, Ireland and Italy).

The data collection exercise did not allow the evaluators to obtain all the data that they were seeking. Regarding the direct costs incurred at Member State level, the stakeholders consulted by the external contractor were unable to estimate the real specific costs that related to the strategy, though they indicated that these were not significant. The data collection did not enable the evaluators to get an overview of the judicial training activities organised at national level.

## **5. ANALYSIS AND ANSWERS TO THE EVALUATION QUESTIONS**

The analysis was conducted against the following evaluation criteria:

- Effectiveness: the extent to which the objectives of the European judicial training strategy have been successfully reached (or even exceeded);
- Efficiency: whether the costs and benefits associated with the implementation of the European judicial training strategy are proportionate, and how is the distribution of these costs and benefits across stakeholders affected;
- Relevance: the extent to which the European judicial training strategy still addresses current training needs and the problems faced by the justice professions;
- Coherence: the extent to which the elements of the European judicial training strategy have worked well together between themselves and with other EU policies and interventions;
- EU added value: the added value delivered by the European judicial training strategy and its implementation over and above what could reasonably have been expected from national interventions in the Member States; what would be the most likely consequence of discontinuing the European judicial training strategy;
- Sustainability: the extent to which implementation of the strategy has a lasting effect on the direct beneficiaries and other main stakeholders.

The evaluation questions are described in full detail in Annex 3.

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<sup>77</sup> German legal practitioners accounted for 16% of all EU legal practitioners and German judges accounted for 23% of all EU judges in 2016. Italian legal practitioners accounted for 17% of all EU legal practitioners and Italian judges accounted for 8% of all EU judges in 2016. Spanish legal practitioners accounted for 12% of all EU legal practitioners and Spanish judges accounted for 6% of all EU judges in 2016.

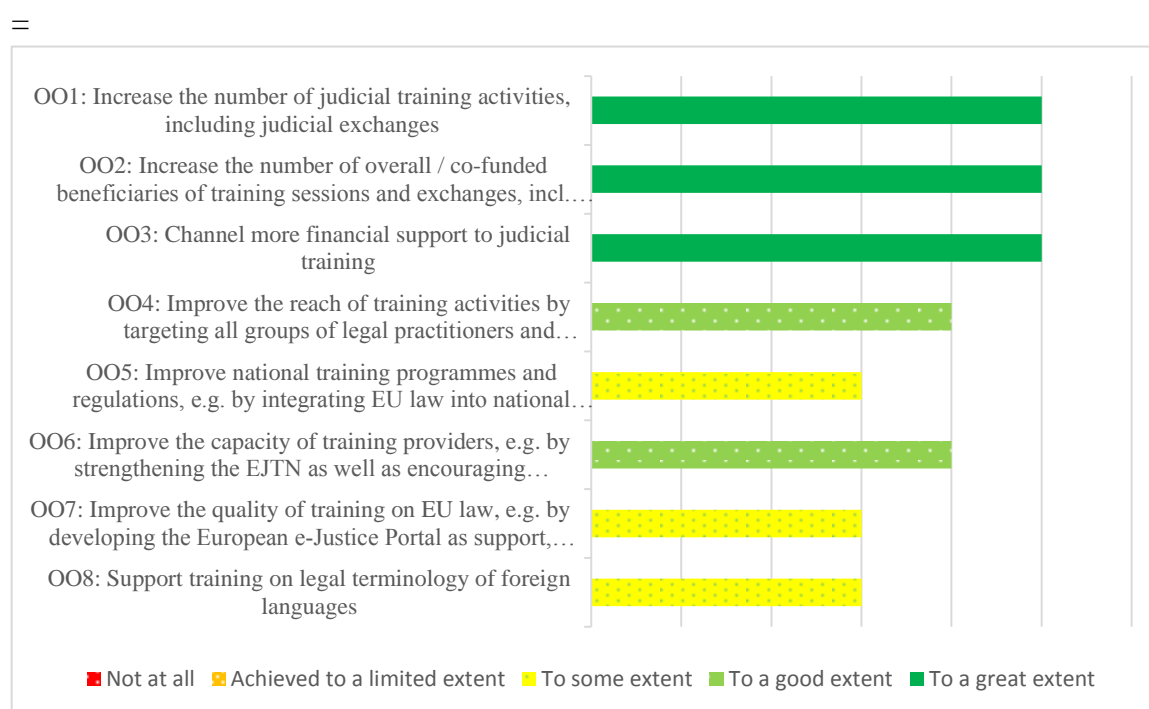
## 5.1. Effectiveness

The assessment of effectiveness examines how far the strategy has succeeded in meeting its general and specific objectives, in particular as these were made operational through operational indicators and quantified targets. The durability of the impacts, in particular how they meet the policy objectives, is addressed separately under the sustainability criterion.

### 5.1.1 Achieving the operational objectives

The **strategy's operational objectives, as described in the intervention logic, were achieved to a good extent**. Nevertheless, some were met more effectively than others. Figure 3 below presents how far each operational objective was achieved.

**Figure 3 — assessment of operational objectives against baseline**



This figure summarises the findings of Section 5.1 on the strategy's effectiveness.

**The quantified target of training half of all EU legal practitioners on EU law between 2011 and 2020 was in itself a political vector of change and was achieved 2 years ahead of time. Between 2011 and 2017, the annual target of 5% of trained practitioners per profession was met for almost all targeted categories of justice practitioners. The quantified objective of 1,200 judicial exchanges per year was surpassed and the number of training activities constantly increased. The strategy led to the near doubling of the EU funds available to train legal practitioners and greatly improved the capacity of networks such as the European Judicial Training Network (EJTN) and of training providers such as the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA-Luxembourg).**



**Other operational objectives were achieved to a certain extent. These were: (i) improving the national regulatory frameworks; (ii) improving the training section of the European e-Justice Portal; and (iii) increasing support for training on legal terminology in foreign languages. However, the training of lawyers and court staff on EU law will need to be improved.**

**The strategy's effectiveness could be improved by: (i) enhancing the potential of e-learning; (ii) increasing awareness of the European e-Justice Portal; and (iii) making it easier to access EU funding opportunities through further simplification of procedures.**

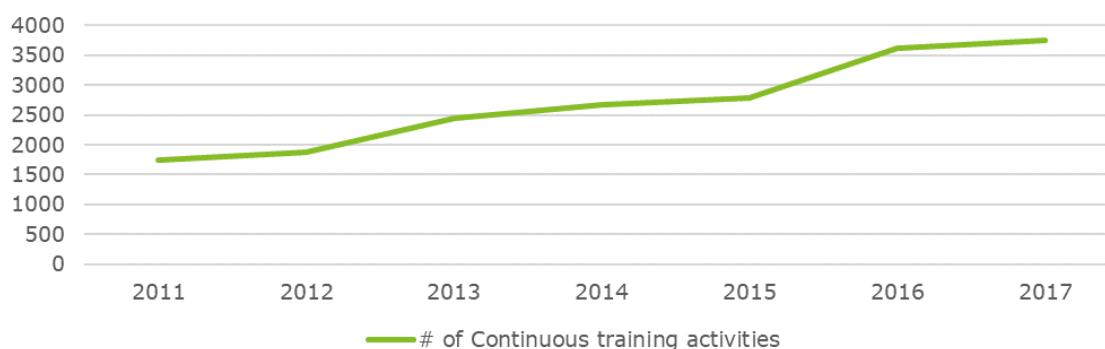
**Overall, the strategy helped increase knowledge of EU law while reinforcing mutual trust between legal practitioners.**

**a) The strategy's contribution to having more judicial training activities on EU law, including judicial exchanges**

Within 5 years of the strategy's adoption, the number of judicial training activities more than doubled.

As shown in the Commission's annual monitoring reports (2011-2017<sup>78</sup>), the number of continuous training activities has grown steadily since 2011.

**Figure 4: Number of continuous training activities (2011-2017)**



Source: Deloitte, based on European Commission data<sup>79</sup>

The Expert Group on European judicial training<sup>80</sup> considered that the incentive created by the 2011 Communication on 'Building trust in EU-wide justice' was in itself one of the keys to this success. The Communication sent a political message of commitment to European judicial training, set specific and measurable objectives on the training of

<sup>78</sup> The annual monitoring reports are available at: [https://e-justice.europa.eu/content\\_the\\_european\\_judicial\\_training\\_policy-121-en.do](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do).

<sup>79</sup> Annual monitoring data used in the drafting of reports.

<sup>80</sup> Minutes of Expert Group meeting held on 18 December 2019 available here <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=10448>.

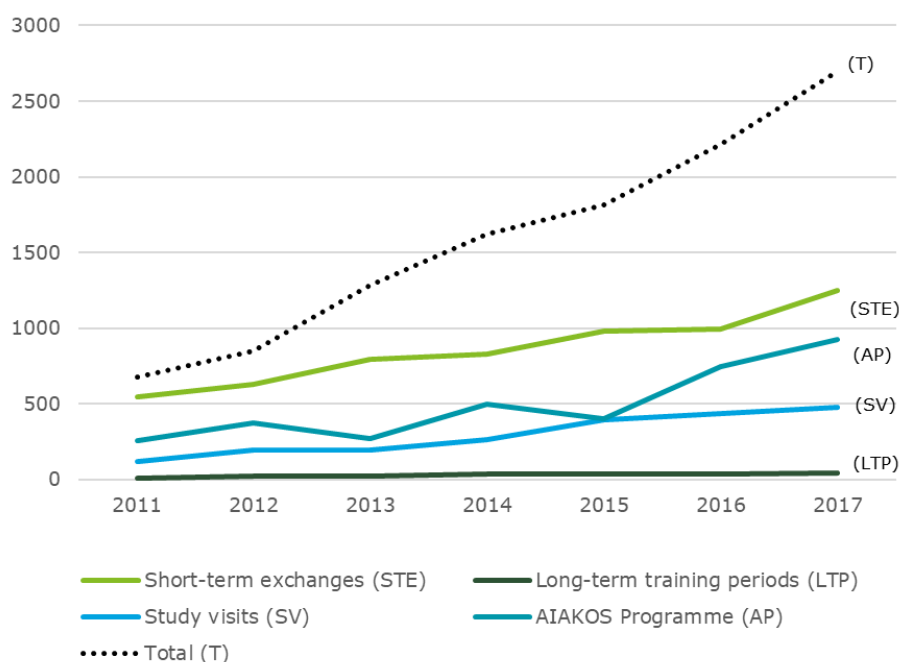


justice professionals to be reached by 2020 and launched a system for reporting and measuring results.

Progress towards the strategy's objectives also stemmed from the gradual increase in funding for EU judicial training activities and the greater awareness of the need for and importance of training on EU law. This finding was confirmed by the public consultation. The Commission's improved data collection method played a role in tracking this success.

On **cross-border exchanges**, 91% of respondents to the targeted consultation regarded the strategy as successful in increasing the number of participants in exchanges for new judges and prosecutors. The 2011 European judicial training strategy's objective of reaching **1,200 yearly exchanges in courts** was already achieved a year after the strategy's adoption, and has more than doubled since then, as shown in the picture below. Since the target of 1,200 was already reached in 2012, this objective seems to have been set too low in 2011, even when looking only at exchanges for experienced judges and prosecutors (i.e. not including the Aïakos programme). Since the EJTN organised only 2,175 exchanges for judges and prosecutors between 2005 and 2010, the 2011 objective seemed ambitious at the time. However, additional funding enabled the numbers of exchanges to grow very rapidly.

**Figure 5: Number and types of exchanges organised by the EJTN (2011-2017)**



Source: Deloitte based on EJTN data

As shown in the graph above, the total number of exchanges for judges and prosecutors has increased tremendously since 2011.

The EJTN organises exchanges in the form of short-term exchanges, long-term exchanges and study visits for experienced judges and prosecutors, and exchanges under the AĪAKOS programme for future or newly appointed European judiciary.

The success of the AĪAKOS programme shows the relevance of such a programme. It contributes to the participants sharing the same values and sense of belonging to the European area of justice right at the beginning of their careers. The figures show substantial progress towards the objective that all newly appointed judges and prosecutors (about 2,500 per year) should take part in an exchange organised in national judicial training institutions. However, this goal has been recognised as not entirely achievable due to different factors, stakeholders agreeing that it should remain the ultimate goal.

This positive development can be attributed particularly to the strategy, since the exchange programmes were funded under the Justice Programme, notably the operating grant allocated to the EJTN, which had the exchange programme as a flagship activity. The important EU financial support in combination with the increased commitment of EJTN Members and EJTN's improved efficiency made this programme a remarkable success.

#### **b) Contribution of the strategy to increasing the overall/co-funded number of beneficiaries of training sessions and exchanges, including via e-learning**

The strategy's objective to increase the number of beneficiaries of training activities on EU law in general, and more specifically to train up to half of all legal practitioners in the EU by 2020, was already reached 2 years ahead of schedule in 2017<sup>81</sup>, as shown in Table 1. 'Number of justice professionals per professions who participated in training activities on EU law between 2011 and 2017' above. This goal, considered too ambitious at the time, acted as a trigger and, together with the involvement of the stakeholders, led to this result.

The other result targeted under this specific objective, to have by 2020 more than 20,000 legal practitioners per year trained using EU financial support, was also achieved.

Overall, between 2011 and 2017, the yearly number of beneficiaries of training activities increased by 137%. In 2017, over 180,000<sup>82</sup> legal practitioners (judges, prosecutors, court staff, lawyers, bailiffs and notaries) and their trainees took part in training activities on EU law or on the national law of another Member State.

**Increased use of e-learning played a role in this progress:** over 67% of respondents to the targeted consultation indicated that the strategy succeeded to some extent in promoting the development of e-learning.

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<sup>81</sup> As mentioned in footnote 75, in 2018, half of legal practitioners is approximately 800,000.

<sup>82</sup> This figure is a lower estimate due to some gaps in the data as explained in Section 4. Method, p. 20.

The EJTN developed an e-learning platform and offers regular webinars and podcasts on a range of topics<sup>83</sup>.

In 2011, by renovating its e-learning platform, ERA provided seven introductory courses in a blended learning package and started developing an online course for the European Union Intellectual Property Office. ERA e-learning efforts also included a course on competition law and one on the preliminary reference procedure, as well as a number of streamed presentations on various EU law topics. In 2017, ERA increased its provision of e-learning tools: 11 e-modules were offered in total, covering civil and commercial law, fundamental and human rights, as well as modern criminal law issues with a cross-border perspective (i.e. trafficking in human beings).

A good model of extensive use of e-learning is the e-learning platform developed by the Council of Europe (CoE) through the HELP Programme<sup>84</sup>. Distance-learning courses on the different articles and themes of the EU / CoE fundamental rights standards are available for selected groups of legal professionals participating in pilot courses moderated by certified national tutors. Self-learning resources are available to any user who has an account on the platform<sup>85</sup>.

### **c) Channel more EU financial support to judicial training**

More than 83% of respondents to the targeted consultation regarded the strategy as successful in achieving the objective that the European Commission increases its financial support to European judicial training. The Expert Group praised the role played by increased EU financing in achieving the strategy's objectives, which enabled the organisation of transnational training activities that would not have taken place otherwise for lack of national budget for such activities. EU co-funded projects also triggered in some instances the organisation of additional national seminars on similar topics<sup>86</sup>. The success was even more tangible where stakeholders were directly involved, for example by receiving operating grants (such as the EJTN) or by responding to calls for proposals (such as the Council of the Notaries of the European Union – CNUE or the Council of Europe).

In the strategy, the European Commission aimed to make the best possible use of the EU funding programmes already existing in 2011 and highlighted judicial training as a priority under the 2014-2020 Multiannual Financial Framework. The table below shows

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<sup>83</sup> <https://learning.ejtn.eu/login/index.php>

<sup>84</sup> The Council of Europe acts in the field of European judicial training through its programme on Human rights Education for Legal Professionals (HELP).

<sup>85</sup> <http://help.elearning.ext.coe.int/>

<sup>86</sup> Minutes of Expert Group held on 18 December 2019, page 3: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=10448>.

the evolution of EU funding for judicial training activities, by financial programmes, from 2011 to 2017<sup>87</sup>.

**Table 2. Share of the different EU funding programmes dedicated to European judicial training (2011-2017, in million euro)**

Funding per year, in million euro	(Civil and criminal) Justice programme	Rights, Equality and Citizenship programme	Erasmus + / Jean Monnet programme	Hercule III programme	LIFE programme	<b>Total</b>
2011	9.9	1.9	1.8	0.7	0.2	14.5
2012	10.3	1.8	2.6	0.3	0.2	15.2
2013	11.1	8.1	2.6	1.7	0.2	23.7
2014	15.3	4.0	2.7	0.6	0.3	22.8
2015	17.9	4.5	2.7	0.3	0.3	25.7
2016	21.6	3.5	2.7	0.8	0.3	28.9
2017	22.1	2.1	2.7	0.1	0.3	27.3
<b>Total</b>	<b>108.2</b>	<b>25.9</b>	<b>17.8</b>	<b>4.5</b>	<b>1.7</b>	<b>158.1</b>

Source: Commission data and annual reports of the financial programmes.

The strategy has led to the near doubling of total funds available annually to train legal practitioners through EU programmes: from €14.5 million in 2011 to €27.3 million in 2017. The strategy also led to some increased visibility of these training needs. The percentage increases of the share of these individual programmes dedicated to European judicial training between 2011 and 2017 are as follows: Justice programme: +123%; REC: +11%; Erasmus+ (Jean Monnet<sup>88</sup>): +52%; Hercule III: -78%; LIFE Programme: +19%.

Similar increases are visible in the funding received by EU-level training providers. The highest increase in the contribution was provided to the EJTN as a direct consequence of its increasing responsibilities under the strategy. As noted in the previous sections, the EJTN plays a central role in implementing the strategy, including by coordinating the activities of its judicial training school members, facilitating the sharing of good practices, and organising seminars and exchanges for judges and prosecutors. In 2011, the Commission contributed around €5.5 million to the EJTN. The contribution nearly doubled over this period, with the contribution reaching €9.5 million in 2017<sup>89</sup>. The EJTN received the most significant contributions through EU operating grants, and some small financial support from Member States.

<sup>87</sup> The European Social Fund (ESF) is not included in the overview table. This is because the exact amounts dedicated only to training of justice professionals on EU law under the ESF are not reported to the Directorate-General for Employment in the national reports.

<sup>88</sup> The share of the Jean Monnet programme's contribution to judicial training activities is essentially the operating grant to the Academy of European Law (ERA).

<sup>89</sup> Refer to

[Table 7. EJTN funding and activities \(2011-2017\)](#), Annex 5, p. 96.

The strategy's contribution to increased funding is also visible for EIPA and ERA, both mentioned in the strategy. The EU funding received by EIPA increased by almost 85% from 2011 to 2017 (from €320,000 to €590,000)<sup>90</sup>, while Member State funding increased by around 35% (from €365,000 to €500,000). For ERA, the EU contribution increased from ca €4.5 million in 2011 to just over €5 million in 2017, a rise of 10%<sup>91</sup>.

#### **d) Reach of training activities**

##### **Targeting all groups of legal practitioners**

The strategy reached overall its annual objective to train 5% of judges and prosecutors. 60% of respondents to the targeted consultation agreed that the strategy succeeded to some extent in reaching all target groups, while 25% found that it succeeded in this to a large extent and 20% to a very large extent.

The situation certainly improved with the introduction of the strategy. However, the data and interviews with stakeholders in the participating countries indicated that legal practitioners were not all to the same extent targeted or benefiting from training on EU law. In particular, judges and prosecutors have benefited the most from judicial training activities on EU law (with an average of 40% of judges and 25% of prosecutors trained each year).

Other professions did not benefit from EU training activities as much as judges and prosecutors. Court staff were the least reached by EU training activities. Since 2011, the proportion of court staff taking part in training activities on EU law has varied between 0.9% and 2.4%. In contrast, judges' participation ranges from 25% to 42% (see the following chart). However, as explained under the relevance criterion, this must be seen in the context of differences in terms of relevance of EU law for these other professions.

An example of progress on reaching as many justice professionals as possible is provided by the efforts to make training accessible to people with disabilities. ERA training courses and some online training provided via the European e-Justice Portal were made accessible to people with disabilities. ERA also provides special accommodation to participants with disabilities<sup>92</sup>.

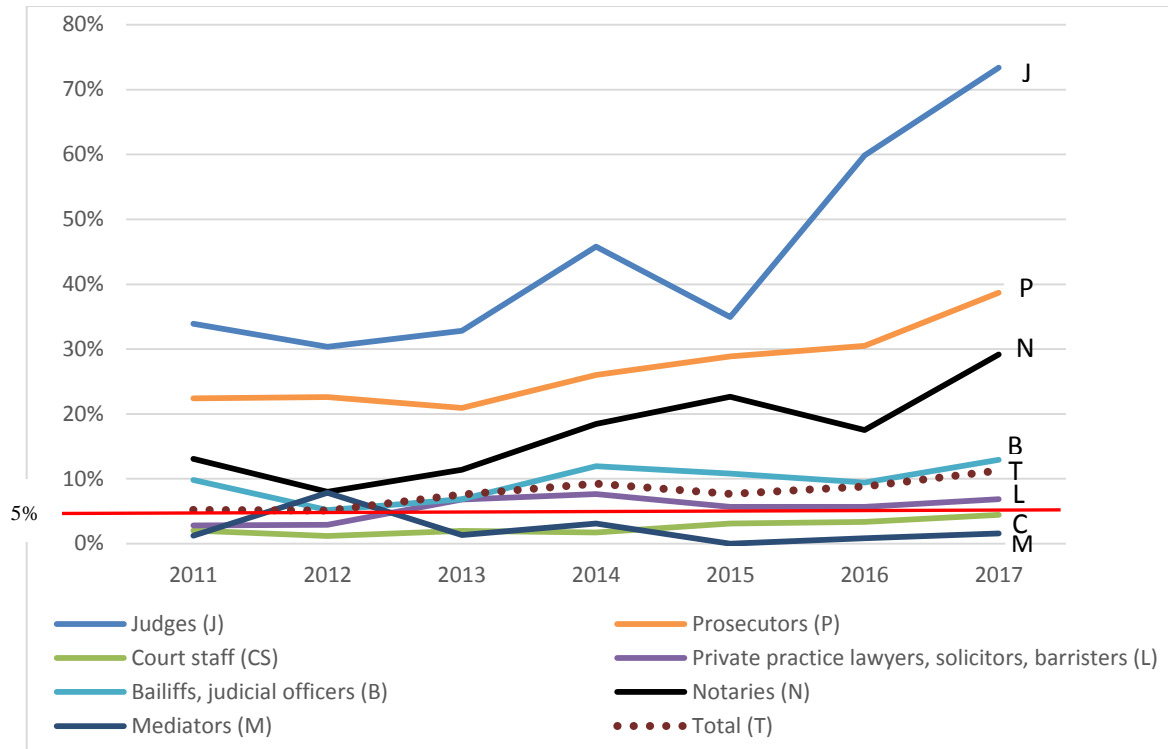
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<sup>90</sup> This figure includes different types of EU funding, i.e. project grants and commissioned projects.

<sup>91</sup> This figure includes different types of EU funding, i.e. the operating grant under Jean Monnet (2011: €2,488,811; 2017: €2,722,776), project grants (for co-funded activities) amounting to €816,409 in 2017, and commissioned projects in the value of €1,577,386 in 2017.

<sup>92</sup> International human rights instruments like the UN Convention on the Rights of Persons with Disabilities are also included as topics of human rights seminars.

**Figure 6: Proportion and evolution of legal practitioners trained (2011-2017)**



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

Source: Deloitte aggregation based on European Commission's data

### Geographical coverage of the strategy

While the EU funds supporting the implementation of the strategy were equally accessible to all EU Member States<sup>93</sup>, there are still substantial differences between them in terms of the number and percentage of legal practitioners trained, as shown in [Section 3](#).

When looking at how the strategy was implemented in the Member States, three clusters of countries can be identified<sup>94</sup>.

The first cluster comprises Member States where concrete action was taken to ensure that the national strategy was aligned with the strategy (either top-down as an initiative from the government or as a bottom-up initiative by stakeholders active in the field). According to the stakeholder interviews, concrete actions were taken in Belgium, France and Germany, as set out below.

- Belgium: Mandatory participation in the Aiakos<sup>95</sup> exchange programme by the EJTN for newly appointed magistrates;

<sup>93</sup> Exception: Denmark and the United Kingdom were not eligible under the Justice programme.

<sup>94</sup> Information is not available on the situation in all Member States. The information that has been received for specific Member States is quoted.

<sup>95</sup> The AIAKOS Programme is an exchange programme which aims at bringing together future or newly appointed judges from different EU Member States, fostering mutual understanding of different European judicial cultures and systems and raising their awareness about the European dimension of

- France: Since 2014, the French National School for the Judiciary includes EU-related content in all the training it offers to French legal practitioners;
- Germany: German stakeholders reported that two dedicated full-time equivalents were put in charge of implementing the strategy at federal level. Their tasks include overall coordination of how to implement the strategy in the Ministry of Justice, and the administration of EJTN courses, e.g. participant registration.

A second cluster of Member States are those which have carried out activities that have benefited the strategy's implementation, but where it is not clear to what extent they were taken for that specific purpose. This group of countries includes the Netherlands and Sweden. Examples of activities include: (i) annual training events; (ii) conferences to exchange information on EU law or provide training on it; and (iii) making EU law a mandatory part of training for legal practitioners. In the Netherlands, the Royal Dutch Association of Civil law Notaries organises cross-border seminars on EU law every 2 years. Moreover, notaries have to attend 20 hours of permanent education each year. In Sweden, an annual day of EU law was introduced in 2014, including training on various topics targeted at judges. Although this activity certainly supports the strategy objectives, the specific reasons for introducing this format in 2014 were not clear to the stakeholders consulted.

The third cluster consists of Member States where no specific action was taken. Examples of reasons include a low level of awareness of the strategy, or the perception that EU law was already sufficiently covered by national training activities, as in countries such as the UK and Ireland<sup>96</sup>.

The strategy also succeeded in reaching out beyond the EU, to Western Balkan countries and also to a certain extent to neighbourhood countries.

For many years the EJTN has granted observer status to judicial academies from the Western Balkans<sup>97</sup>. The participation of judges and prosecutors from these countries in EJTN activities is open, but generally not funded from the EJTN operating grant<sup>98</sup>. The Commission has constantly encouraged participation by these countries in EJTN training activities, especially on fundamental rights and the rule of law, and the implementation of EJTN best practice, methodologies and guidelines<sup>99</sup>.

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their (future) work. Depending on the host country, the AIAKOS Programme takes place in a judicial training institution or in courts/prosecution offices.

<sup>96</sup> Deloitte, final report, page 74.

<sup>97</sup> Except for Kosovo, which application for observership was rejected.

<sup>98</sup> With the exception of countries which have signed a memorandum of understanding for participating in the Justice programme, i.e. Albania and recently Montenegro.

<sup>99</sup> Beyond the temporal scope of this evaluation, one can note that, since 2018, the EJTN has cooperated more closely with the Western Balkans by opening up its programmes to magistrates from Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia and Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence) under the EU multi-country programme (IPA 2017/039-402). The 2018-2019 rule of law training project for judges and prosecutors, funded by the EU and implemented by the EJTN, was also opened up to judges and prosecutors from the Western Balkans.

Neighbourhood countries also received EU assistance for training under specific programmes, including TAIEX or EU/Council of Europe partnership projects. This was the case for Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine<sup>100</sup>, Tunisia and Ukraine. For example, a twinning project with Georgia's 'High School of Justice' specifically focused on improving the training of judges, court staff and candidates. A twinning project with the Supreme Court of Ukraine implemented with the support of Ukraine's National School of Judges provided significant training and mentoring for new Supreme Court judges in a variety of areas. The training was tailored to the needs of the new Supreme Court judges, some of which had never worked as judges before.

Judicial training has also been provided as part of regional projects such as EuroMed Police and EuroMed Justice. The overall objective of the EuroMed Justice IV project funded by the European Union is to contribute to the development of a Euro-Mediterranean area of effective, efficient and democratic justice system respectful and protective of human rights by the strengthening of the rule of law and continuously progressing towards the alignment to international legal frameworks, principles and standards. This project of regional scope is addressed to the European Neighbourhood South Partner Countries<sup>101</sup>.

According to the recent European Commission report on EU support for the rule of law in neighbourhood countries<sup>102</sup>, candidate countries and potential candidate countries covering the period 2010-2017, EU support for capacity building in those countries' institutions has included all justice sector professions. The support chiefly took the form of training, study visits, workshops and networking, and included national training schools for justice professionals, prison staff, court administrators and bar associations. The most successful capacity building action resulted from the regional 'Horizontal Facility' and 'EuroMed projects. However, the training of judges and prosecutors often remains weak in institutions that, despite generous donor support, do not apply up-to-date pedagogic approaches and judicial training institutions sometimes receive support from multiple donors as a result of poor coordination and complementarity.

### **Improve national training programmes and regulations**

At least two aspects were considered under this objective: integrating EU law into national initial training schemes and ensuring mutual recognition of training attended abroad.

The objective of **integrating EU law into national initial training schemes** was considered achieved by 70% of the respondents to the targeted consultation.

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<sup>100</sup> This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

<sup>101</sup> Under the European Neighbourhood Instrument South Partner Countries (ENI SPCs).

<sup>102</sup> Thematic Evaluation of EU Support for Rule of Law in Neighbourhood Countries and Candidates and Potential Candidates of Enlargement (2010-2017) — Final Report — April 2019 — Particip GmbH.



The interviews conducted during the external study also confirmed that EU law is part of the initial training for judges and prosecutors, either taught as a separate subject or included in others, with a few exceptions (e.g. Denmark).

Results from the survey conducted in 2010 as part of the European Parliament Study<sup>103</sup> indicate that this was not the case before the strategy's inception: 64% of judges and prosecutors responding to the 2010 survey had not received training on EU law in their initial training.

The objective of **ensuring that training activities are recognised in other Member States** has also been to a large extent achieved, with some caveats. Approximately 69% of respondents to the targeted consultation found that the strategy had succeeded in creating a context in which training activities attended abroad are recognised under a person's national training obligations.

Firstly, on training for judges and prosecutors, there are no significant difficulties with the recognition of training activities attended in another Member State. This was underlined by the EJTN's Secretary General during the Expert Group meetings.

For lawyers, the situation has certainly improved since the strategy's launch, but there is still room for progress. While mutual recognition of training activities in another Member State is possible in all Member States, automatic recognition is not<sup>104</sup>. In some Member States (e.g. in Belgium, Estonia, Italy, Luxembourg, Sweden, and in England and Wales<sup>105</sup>), the bar association or equivalent of the practitioner who attended the training activity abroad would have to assess whether the training satisfies their own national criteria as an appropriate activity<sup>106</sup>.

In this respect, the Council of Bars and Law Societies of Europe (CCBE) has been working with its members on the automatic mutual recognition of lawyers' cross-border continuing professional development. As a result, a memorandum of understanding<sup>107</sup> was published in 2016 as a commitment to allow greater flexibility to lawyers as far as continuous training is concerned.

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<sup>103</sup> European Parliament (2011), Directorate-General for Internal Policies, Judicial training in the European Union Member States, available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI\\_ET\(2011\)453198\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET(2011)453198_EN.pdf).

<sup>104</sup> See country factsheets of pilot project on: Training lawyers in EU law (2013-2014), available: <https://e-justice.europa.eu/fileDownload.do?id=de3f4ead-4ac8-4a43-bafe-ddfd141a49f7>.

<sup>105</sup> Ibid.

<sup>106</sup> For example, some Member States have points systems whereby practitioners have to earn a certain number of points through training activities each year to retain their licence to practise.

<sup>107</sup> CCBE, Memorandum on Mutual Recognition of Lawyers' Cross-Border Continuing Professional Development, 16/09/2016, available: [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/TRAINING/TR\\_Position\\_papers/EN\\_TR\\_20170224\\_Memorandum\\_on\\_Mutual\\_Recognition\\_of\\_Lawyers\\_Cross\\_Border\\_Continuing\\_Professional\\_Development.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/TRAINING/TR_Position_papers/EN_TR_20170224_Memorandum_on_Mutual_Recognition_of_Lawyers_Cross_Border_Continuing_Professional_Development.pdf).

In addition, under the 2017 call for proposals for European judicial training action grants, the European Commission awarded the REFOTRA project to the European Lawyers Foundation (ELF) and the Council of Bars and Law Societies of Europe (CCBE). In accordance with the principle of mutual trust, the project proposed concrete steps to put in place a system to enable a Member State's Bar (or other appropriate regulatory authority) to automatically recognise training under its own mandatory continuing legal education scheme when one of its lawyers would undertake a course of continuing legal education in another EU Member State. The project also proposed to test a concrete system, based on the issue of a certificate template by the training provider, to facilitate the recognition of the training undertaken. The certificate would contain comprehensive information for the bars, in accordance with their own needs for the recognition of the training.

#### **e) Contribution of the strategy to improved capacity among training providers**

Overall, the strategy has improved the capacity of judicial training providers. This objective was mainly achieved through EU financial support. Respondents to the 2018 targeted consultation largely confirmed that the Commission had increased its financial contribution to judicial training: 47% considered that it had done so to a very large extent, 27% to a large extent and 13% to some extent.

#### **Strengthening the EJTN**

The replies<sup>108</sup> to the targeted consultation indicate as factors of success in achieving the strategy's objectives: increased EU financial support to the EJTN and reinforced financial contribution from the Member States to their national judicial training set-ups.

Between 2011 and 2017, the EJTN received up to 96% of its budget from the Justice programme. According to the respondents to the targeted consultation and to the interviews with EJTN representatives, the financing conditions for the EJTN (e.g. early pre-payment and continually rising rate of co-funding) were also a factor in its success.

Data from the European Commission annual work programmes for the Justice programme and its predecessors show that the financial contribution to the EJTN has been increasing over the years, from €5.5 million in 2011 to €9.5 million in the 2016 annual work programme (2017 operating grant). This corresponds to a 9.6% yearly increase on average between 2011 and 2017. The rate of activity increased even more, with an average yearly increase of 15.5 % in the number of participants (catalogue included), from 2,671 to 6,317, and an average yearly increase of 19.85% in the number of training days offered, from 10,686 to 30,612<sup>109</sup>.

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<sup>108</sup> More than 85% of respondents, with which the EJTN agreed to a large extent.

<sup>109</sup> Refer to

[Table 7. EJTN funding and activities \(2011-2017\)](#), Annex 5, p. [96](#).

## **Improved capacity of ERA**

The Academy of European Law (ERA), the main EU-level training provider, increased its capacity to deliver high-quality training. ERA acknowledged the strategy's contribution to this success during the Expert Group meetings. In 2011, **ERA** organised 137 training events of various kinds for 2,469 justice professionals<sup>110</sup>. In 2017, the total number of training activities organised by ERA increased to 158 (+15.3%) for 2,894 justice professionals (+17.2%)<sup>111</sup>.

## **Encouraging consortia and public private partnerships (PPPs)**

When asked whether the strategy succeeded in encouraging consortia or regional groups of national judicial schools to develop common training courses, the result of the targeted consultation was less positive, but positive nonetheless (37% of respondents agreed to a very large extent, 18% to a large extent and 22% to some extent). In addition, some interviewees from judicial and bar associations mentioned that they sometimes found it difficult to find relevant partners or would have liked to have been involved in a project after seeing its results. Overall, however, it appears that the strategy has contributed to increasing the number of consortia, thanks to the increase in the number of funded projects involving partners from several Member States.

The strategy did not succeed in developing PPPs, which were assessed as not relevant for judicial training by the Expert Group on European judicial training.

### **f) Contribution of the strategy to an improved quality of training on EU law**

Since the quality of the training delivered is important both to attract participants and to ensure the impact of the training, several aspects of quality are addressed in the strategy:

- funding high-quality European judicial training projects;
- development of the European e-Justice Portal's training section to ensure availability of high-quality training material;
- drafting practical guidelines on the best adapted judicial training methodologies, including evaluation of quality and impact and the use of common quality criteria and indicators.

A general question on quality was asked in the 2018 targeted survey: 'Has the European judicial training strategy been successful in improving the quality of training activities on EU law?' The overall response was positive, with about 80% of respondents responding positively, i.e. 32% agreed to some extent, 27% to a large extent and 27% to a very large extent.

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<sup>110</sup> ERA's 2011 Annual Report, p. 9.

<sup>111</sup> ERA's 2017 Annual Report, p. 23.

## Funding high-quality projects

The most important award criteria under the Justice and Rights and Equality programmes for evaluating applications for action grants is the **quality** of the proposed action, accounting for 30 points out of 100.

To foster high-quality projects, the Commission also publishes its calls for proposals with advice to potential beneficiaries of these funds. Examples of such guidance include: Advice for training providers (issued by the Commission<sup>112</sup>), the Handbook on Judicial Training Methodology in Europe (by the EJTN<sup>113</sup>), the Guidebook on human rights training methodology for legal professionals (by the Council of Europe through the HELP programme<sup>114</sup>) and the ‘good practice’ factsheets<sup>115</sup> on the training section of the European e-Justice Portal. The Commission also provides more specific guidance to grant beneficiaries during information sessions, after agreements have been signed. This includes tips on the planning of training activities, method and content, and follow-up (i.e. evaluation, dissemination of training material).

## The European e-Justice Portal materials

The Commission’s European e-Justice Portal contains materials on judicial training produced by the Commission and documents produced by training providers at EU and international level such as ERA, the EJTN and the UN. Nevertheless, according to the external evaluation study, the information in the Portal is perceived as useful only to some extent, as discussed below.

While nearly half of the targeted consultation respondents (47%) found the European e-Justice Portal useful or very useful in supporting the strategy (against only 17% finding it useless or not very useful for this), about a third ‘did not know’. This indicates a lack of awareness of the Portal or its contents, or an inability to judge whether it provided useful information to the main stakeholders targeted and/or towards the strategy objectives. In response to a separate question in the targeted survey, more than half of respondents (54%) answered that the training section of the European e-Justice Portal should be further developed (against only some 1% indicating the opposite), while 45% stated that they ‘did not know’. This majority view shows, however, that the training section of the Portal **is seen as an appropriate tool to disseminate training content contributing to the strategy’s objectives, and that it should be developed further.**

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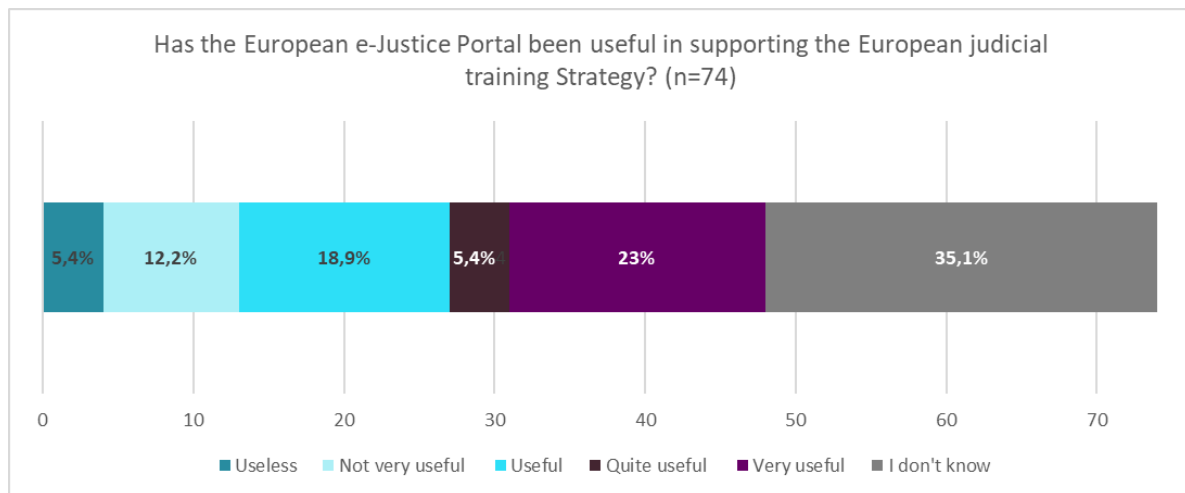
<sup>112</sup> [https://e-justice.europa.eu/content\\_training\\_%20material-252-en.do](https://e-justice.europa.eu/content_training_%20material-252-en.do)

<sup>113</sup> [http://www.ejtn.eu/Documents/EJTN\\_JTM\\_Handbook\\_2016.pdf](http://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf)

<sup>114</sup> <https://rm.coe.int/help-guidebook-on-human-rights-taining-methodology-for-legal-professio/1680734cac>

<sup>115</sup> [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do](https://e-justice.europa.eu/content_good_training_practices-311-en.do)

**Figure 7: Usefulness of the European e-Justice Portal in supporting the strategy (according to respondents to the targeted consultation)**



Source: 2018 Targeted consultation of the European Commission

### **Drafting practical guidelines on training methodologies**

Between 2013 and 2014, the Commission ran a pilot project on the sharing of best practice in training judges and prosecutors. The pilot, which was developed by the EJTN, compiled relevant and useful material on best practices in a wide range of topics including training needs assessment, innovative training methodology, innovative curricula or training plans, training tools to foster the correct application of EU law and international judicial cooperation, assessment of participants' performance in training and of the effect of training activities<sup>116</sup>.

The external study supporting this evaluation<sup>117</sup> shows that the material appears up to date and is of high quality in terms of the different practices that are encouraged. A workshop was held in June 2014 to discuss the good practices under the pilot project, which was welcomed by the judicial training community. This indicates that the project itself was a positive initiative and had a positive impact.

In 2015, the Commission worked with the Expert Group on European judicial training to compile the recommendations stemming from the latest reports and studies on the topic and published the 'Advice for training providers'<sup>118</sup>. This document is a reference in terms of recommended training methodologies for judicial training activities and was translated in the languages of all EU Member States and candidate countries.

In 2016, the EJTN adopted "Nine principles of judicial training"<sup>119</sup>. The principles establish key statements relating to the nature of judicial training, the importance of

<sup>116</sup> [https://e-justice.europa.eu/content\\_good\\_training\\_practices-311-en.do](https://e-justice.europa.eu/content_good_training_practices-311-en.do)

<sup>117</sup> [https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices\\_en](https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en)

<sup>118</sup> [https://e-justice.europa.eu/content\\_training\\_material-252-en.do](https://e-justice.europa.eu/content_training_material-252-en.do)

<sup>119</sup> <http://www.ejtn.eu/News/Principles/>

initial training, the right to regular continuous training and the integral nature of training in daily work. The principles also address the dominion of national training institutions regarding the content and delivery of training, clarify who should deliver training and stress the need for modern training techniques as well as express the need for funding and support commitments from authorities.

#### **g) The strategy's support to training on legal terminology in foreign languages**

The targeted consultation indicates that a large majority of stakeholders (85%) agree that the strategy has succeeded in supporting training on legal terminology in foreign languages. Despite this positive result, 76% of respondents to the public consultation considered that a lack of language skills was still a barrier to working with peers of another Member State. 20% agreed to some extent, 23% to a large extent and 33% to a great extent.

To cater for the need to tackle legal practitioners' legal language training needs, the Commission adapted its financial support via action grants under the Civil Justice and Criminal Justice programmes by inserting a priority on legal linguistic training. In addition, the calls for proposals under the current Justice programme require projects to 'also aim at encouraging practitioners to follow training in a foreign language, either by providing simultaneous high-quality interpretation into their native language or by easing the participation with foreign language training'<sup>120</sup>. The legal language priority was further boosted from 2017 by adding a priority on 'seminars with easy linguistic access'<sup>121</sup>.

Training providers built on this opportunity. For example, the EJTN created a linguistic sub-group offering seminars with a strong legal terminology component and provided courses on legal terminology in different legal areas, such as human rights<sup>122</sup> and competition law<sup>123</sup>. The EJTN also produced linguistic handbooks on several topics: human rights<sup>124</sup>, cybercrime<sup>125</sup>, competition law<sup>126</sup>, judicial cooperation in civil matters<sup>127</sup> and criminal matters<sup>128</sup>. ERA offered similar types of seminars, developed

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<sup>120</sup> Justice programme, Call for proposals, 2015 and 2016. The following examples are given: 'an introduction to the relevant legal terminology of the topics covered prior to or at the beginning of the training activity, or a linguistic warm-up by actively involving participants at the beginning of the training activity, etc.'

<sup>121</sup> European Commission, Justice programme, Call for proposals for action grants in the field of European judicial training, 2017.

<sup>122</sup> EJTN Linguistic Seminar: Language training on the vocabulary of Human Rights' EU law, 2-6 July 2018, [http://www.ejtn.eu/Documents/Linguistics/2018 %20AGENDAS/Agenda%20EN%20LI%202018 %2006.pdf](http://www.ejtn.eu/Documents/Linguistics/2018%20AGENDAS/Agenda%20EN%20LI%202018%2006.pdf).

<sup>123</sup> EJTN Linguistic Seminar: Language training on the vocabulary of Competition Law, 6-9 July 2016, [http://www.ja-sr.sk/files/Agenda%20English%20Groups%20LI%202016 %2005 %20Omzenie.pdf](http://www.ja-sr.sk/files/Agenda%20English%20Groups%20LI%202016%2005%20Omzenie.pdf).

<sup>124</sup> EJTN Handbook on English for Human Rights EU Law: <http://www.ejtn.eu/PageFiles/17310/HANDBOOK%20English%20for%20Human%20Rights%20EU%20Law%20-%20EJTN.pdf>

<sup>125</sup> <http://www.ejtn.eu/PageFiles/17406/Handbook%20Linguistics%20Cybercrime.pdf>

<sup>126</sup> <http://www.ejtn.eu/PageFiles/17406/Handbook%20Linguistics%20Competition%20Law.pdf>

<sup>127</sup> [http://www.ejtn.eu/Documents/Resources/Handbook\\_Manuel\\_Linguistics\\_Civil.pdf](http://www.ejtn.eu/Documents/Resources/Handbook_Manuel_Linguistics_Civil.pdf)

handbooks on legal terminology for civil law and mediation<sup>129</sup>, and organised regular regional seminars with language facilitation through interpretation or translation of materials or the grouping of countries in a specific language group.

Another initiative was partly funded by these action grants: the Council of Europe through the HELP Programme developed a wide range of training resources on the CoE / EU fundamental rights standards, available on-line, translated into the national languages of the beneficiary countries.

### **5.1.2 Achievement of the specific objectives**

#### **a) Legal practitioners' knowledge of EU law, EU judicial cooperation instruments and the laws of other Member States**

As mentioned in section 3 '[Implementation / state of play](#)', stakeholders believe that legal professionals' knowledge of EU law has increased to some extent in all Member States since the strategy's inception; in some cases this increase is deemed substantial. In most cases, relevant stakeholders (i.e. national training providers and the legal practitioners themselves) saw an improvement in practitioners' interest in and ability to master EU legislation and case-law, although in some Member States (e.g. Germany, Spain, Slovenia) doubts were expressed as to how far this was due to activities promoted under the strategy. Around 61% of respondents to the public consultation replied that they have knowledge of EU law to some extent (32.7%), to a large extent (20.3%) or to a very large extent (8%).

#### **b) Legal practitioners' mutual trust in cross-border judicial proceedings**

Overall, the level of mutual trust in the EU has increased since 2011, due in part to the increase in knowledge facilitated by the strategy. Legal practitioners tend to understand and have more trust in the decisions made by the authorities of other Member States once they have increased their knowledge of legal practices in other Member States and become better at applying EU law consistently. In addition, a better understanding of the forms of judicial cooperation in the EU contributes to increasing practitioners' trust in foreign judicial practice and decisions.

In the public consultation, approximately 50% of respondents declared a neutral to very high level of mutual trust in civil and criminal cross-border judicial proceedings, while only 15% of respondents declared having a low or very low level of trust in other Member States' civil and criminal judicial systems.

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<sup>128</sup> EJTN Handbook on English for Judicial Cooperation in Criminal Matters:  
[http://www.ejtn.eu/Documents/About%20EJTN/Linguistics%20Project/Handbook\\_Criminal\\_Penal\\_2015\\_EN\\_FR.pdf](http://www.ejtn.eu/Documents/About%20EJTN/Linguistics%20Project/Handbook_Criminal_Penal_2015_EN_FR.pdf)

<sup>129</sup> [www.era.int/linguistic\\_manual\\_civil\\_commercial\\_matters](http://www.era.int/linguistic_manual_civil_commercial_matters);  
[www.era.int/linguistic\\_manual\\_family\\_matters](http://www.era.int/linguistic_manual_family_matters); [www.era.int/languageetool](http://www.era.int/languageetool).

The main factor which has contributed to the increased level of mutual trust, and which can be linked to the strategy, is the networking and the sharing of experience and best practice. This is directly supported by the exchanges that take place through the EJTN or individual funded programmes. In the public consultation, 74.8% of respondents found that cross-border exchanges were useful for their profession. A further 35.4% went on to indicate that cross-border exchanges should be made compulsory for all new judges and prosecutors, and an additional 27.5% also agreed that it should be made compulsory if some conditions were met. This gives a total of 62.9%.

### **c) Quality of cross-border proceedings for citizens and businesses**

Unfortunately, no baseline was established for the quality of cross-border proceedings in the EU, and there is no entity or source monitoring the quality of cross-border proceedings in any of the Member States.

In the targeted consultation, when asked what they saw as the strategy's benefits, almost one third of respondents identified improved quality of legal decisions as the main benefit. In this case, quality has three aspects: the degree of knowledge of legal practitioners, the efficiency of their work, and the sustainability of their decisions. Furthermore, as shown by Eurobarometer data, EU citizens have been increasing their awareness and understanding of the EU as a whole, and the percentage of those tending to trust the EU has also increased over the last few years<sup>130</sup>.

### **5.1.3 Achievement of the general objectives**

The strategy's general objectives have been achieved overall.

#### **a) Effective implementation of EU law, including correct application and uniform interpretation**

The strategy has contributed to enhancing the level of knowledge of EU law and the level of mutual trust between legal practitioners. The enhanced knowledge of EU law, accompanied by increased mutual trust, enable legal practitioners to better implement EU law.

#### **b) Access to justice and legal certainty for businesses and the public**

The strategy has contributed to the correct application of EU law, and thus to the enhanced quality of judicial proceedings, making access to justice easier.

The strategy has also strengthened legal certainty. It has supported a common understanding and interpretation of the EU legal instruments, facilitating uniform implementation of the EU *acquis* across the Member States. This generates greater

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<sup>130</sup> Special Eurobarometer 461, Designing Europe's future: Trust in institutions, globalisation, support for the euro, opinions about free trade and solidarity, pp. 18 and following.



certainty among businesses and the public that EU law will be applied consistently regardless of the Member State.

## 5.2.Efficiency

The assessment of the efficiency criterion considers the relationship between the resources used by an intervention and its achievements and related benefits.

**Overall, the strategy brought about clear improvements in judicial training on EU law, at a relatively reasonable cost.**

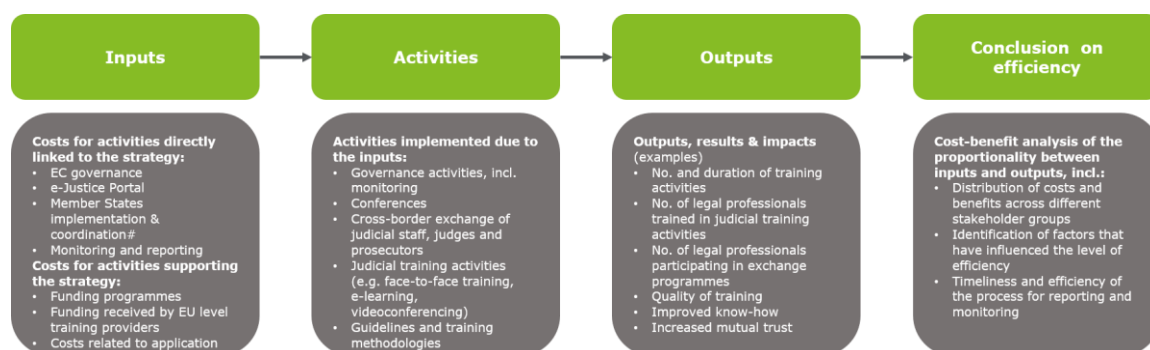
**The costs incurred by the Commission were relatively low compared to the related workload and the limited resources. Room for improved governance was identified in reporting and monitoring.**

**The strategy directly contributed to the increased funding available to judicial training. This resulted in key benefits such as the increase in the number of judicial training activities and participants reached at national and EU level. The costs were found overall proportionate and justified in view of the benefits.**

**The main leveraging factor was building on the strengths of the existing networks.**

As concerns the **costs of the strategy**, there are costs that are a direct result of the strategy, while others are related to the funding programmes that support it. This is explained in the following diagram:

**Figure 8: Components considered when assessing the strategy's efficiency**



Source: Deloitte

Analysis of these two categories of costs against their related benefits shows that the **strategy was efficient to a good extent.**

### 5.2.1 Efficiency of the strategy's governance

At EU level, **direct costs** include costs related to the **strategy's governance**. These costs amounted to around €2 million for the Commission over the 2011-2017 period.

The Commission is responsible for governance of the strategy at EU level. Activities include organising the annual conference on judicial training, the interservice group, the Expert Group on European judicial training and other coordination activities (e.g. participating in yearly meetings of the EJTN, relationships with various stakeholders). The Commission is also involved in managing the allocation of funding from different programmes and in relevant monitoring and reporting activities, including the preparation of the annual report on the strategy and evaluations.

From 2011 to 2014, the Commission devoted 2 full-time equivalents (FTEs) to managing the strategy's implementation. This increased to 2.3 FTEs in 2015 and 2016, and then to 3 FTEs from 2017. The FTEs were also occasionally supplemented by a trainee. The staff costs are estimated at €1,498 million over 2011-2017.

The expenses related to implementing the strategy included the organisation of annual conferences of stakeholders and meetings of the Expert Group on European judicial training. These expenses are estimated at €0,475 million over 2011-2017.

In total, the costs for governance of the strategy between 2011 and 2017 are estimated at €1,973 million<sup>131</sup>.

**The costs incurred by the Commission** were relatively low compared to the workload for the governance-related tasks, which were accomplished efficiently using limited resources.

**Room for improved governance** was identified, for example, **in reporting and monitoring**. Almost half of targeted consultation respondents who had an opinion stated that the strategy's reporting and monitoring process had been timely (about 47%), but several stakeholders pointed to difficulties in collecting some of the data. Interviewees and workshop participants regretted that only the quantitative targets are monitored, while qualitative aspects such as the depth or the scope of the training are not considered.

Some direct costs were also incurred **at Member State level**. These include costs to develop national strategies in line with the strategy and costs related to coordination. These costs depend on how far each country implemented the strategy, with some countries (e.g. Belgium, Germany, and France) more active than others.

### **5.2.2 The efficiency of the funding programmes supporting the strategy's implementation**

**The main costs supporting the strategy's implementation** were those incurred in relation to the **funding programmes**.

Clearly, the strategy led to an increased visibility for the training needs of legal practitioners at EU level. This directly contributed to the increase in funding, as shown at the Expert Group meetings and in the public consultation.

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<sup>131</sup> Source: Deloitte, based on information provided by the Commission.

Overall, more than €150 million was allocated to the training of legal practitioners under the Justice, REC, Erasmus+ (a very small share of the Jean Monnet programme<sup>132</sup>), the LIFE and Hercule III programmes from 2011 to 2017. The overall increase in funding over this period, for the programmes for which information is available, nearly doubled to around €27.3 million, an 89% increase.

However, the call of stakeholders for increased funding remains constant, as shown by the results of the targeted consultation. Among the ones who had an opinion, a large majority of the respondents (72.4%) considered that the funds associated with the implementation of European judicial training were not sufficient for the current training needs on EU law of the justice professions<sup>133</sup>.

The budgetary envelope of the Justice programme for 2014-2020 was €378 million, with 35% of the funds allocated to the objective of European judicial training. This represents €132 million (or €18.8 million on average per year), an increase of 80% compared with the 2007-2013 period. The budgetary envelope of the Rights and Equality programme was €439 million for 2014-2020, with training activities one of the areas funded.

A similar increase is reflected in the funding granted to some of the main training providers between 2011 and 2017.

Additional funds were provided under the Instrument for Pre-accession Assistance<sup>134</sup> and the European Social Fund (ESF). A study commissioned by the European Commission<sup>135</sup> ‘on the extent to which and how Member States used the ESF and ERDF<sup>136</sup> in the 2007-2013 and 2014-2020 programming periods to support their justice system’ found that the second most funded type of ESF project in the 16 studied Member States between 2007 and 2013 in terms of budget spent was ‘Training & Raising awareness’, accounting for 28% of the budget or €52.9 million for the whole period<sup>137</sup>. Between 2014 and 2017, the study found that the type of project focus activity which had the third highest budget

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<sup>132</sup> The Jean Monnet programme is not a programme with the express objective to fund judicial training activities and most of its activities do not refer to judicial training.

<sup>133</sup> Targeted consultation, Means and actors of the European judicial training strategy, Question 42.

<sup>134</sup> The Instrument for Pre-accession Assistance is the instrument by which the EU provides financial and technical help to support reforms in the enlargement countries. Support is provided for political and economic reforms and to prepare these countries for the rights and obligations that come with EU membership. IPA finances TAIEX, which covers technical assistance for candidate countries and potential candidates.

<sup>135</sup> European Commission, Study on the extent to which and how Member States used the ESF and the ERDF in the 2007-2013 and 2014-2020 programming periods to support their justice system, 2018, p. 59, 127.

<sup>136</sup> European Regional Development Fund (ERDF).

<sup>137</sup> This included projects organising focus groups and conferences, study visits, preparing training programmes, training of judges, magistrates, legal secretaries, state bailiffs, court clerks and administrators, lawyers, police officers, probation and mediation staff, as well as prison service staff. Most of the budget was spent in Greece (41%) on five large projects, of which four related to the ongoing training of judges and one project that funded internships of lawyers in Greek courts. The rest of the budget was spent in 10 Member States: Poland (26% — 2 projects), Bulgaria (14% — 24 projects), Hungary (8% — 4 projects), Lithuania (5% — 9 projects), Czech Republic (5% — 9 projects), as well as Estonia, Italy, Latvia, Malta, Slovakia (all 1% or less of the budget spent each).

allocated was ‘Training & Raising awareness’, accounting for €33.3 million or 20% of the budget allocated to the ESF identified justice projects<sup>138</sup>. One must note that the topics of the training activities and whether they covered EU law was not specified by the study.

**Key benefits** were achieved in relation to the objectives of the strategy.

The first was the increase in the number of judicial training activities and justice professionals reached at national and EU level. This included several elements:

- judicial exchanges reaching 1,200 exchanges per year;
- the participation of half of all legal practitioners (800,000 in 2017) in at least one European judicial training activity by 2020 (including e-learning);
- many new judges and prosecutors benefiting from an exchange programme.

The second key benefit was increased outreach, meaning that more legal practitioners’ professions receive training on EU law, and a wider geographical reach.

The third key benefit was strengthening the capacity of the EJTN and other training providers to train more justice professionals.

The fourth key benefit was improving the quality of training activities (including the use of innovative methods and modern technology) and increasing support for training on legal terminology in foreign languages.

Another key benefit was the improvement of national regulatory frameworks, including through embedding EU law in initial training and mutual recognition of training.

The external evaluation study found **the costs** associated with implementing the strategy were **overall proportionate and justified in view of the benefits** achieved during the time period covered by the evaluation, notably in terms of the number of legal practitioners trained.

For the **EJTN**, the budget increased by 73% from 2011 to 2017, and the number of participants increased even more (+137%). This meant that the cost-to-serve ratio decreased (-28%), clearly pointing to increased efficiency in training delivery. Equally important, the number of training days per person (catalogue<sup>139</sup> excluded) increased by 20% (from 4 days per person in 2011 to close to 5 days per person in 2017), while the number of people trained per training staff (catalogue excluded) more than doubled (+114%). Also noteworthy is the large improvement in the execution rate: implementation increased from around 75% in 2011 to a remarkable 97% in 2017. The number of exchanges also increased in line with the increase in budget.

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<sup>138</sup> This included projects involving training of judges, prosecutors, court staff, bailiffs, public notaries, insolvency and restructuring administrators, as well as organising study trips. Of the €33.3 million allocated to ‘Training & Raising awareness’-type projects, 44% had been allocated to projects in Greece and 31% had been allocated to projects in Latvia.

<sup>139</sup> EJTN’s catalogue lists the national judicial training activities opened to participation of foreign participants sent by other EJTN members.

For ERA, the EU contribution increased from ca €4.5 million in 2011 to just over €5 million in 2017, a rise of 10%. The number of justice professionals reached increased even more from 2,469 in 2011 to 2,894 in 2017.

According to the interim evaluation of the **Justice programme** (which focused on activities delivered since 2014<sup>140</sup>), the programme beneficiaries had positive views on its efficiency. A key achievement of the programme was that the administrative burden experienced by beneficiaries was reduced in terms of both time and financial resources. The funding instruments (action grants, operating grants and procurement activities) were also considered adequate. The evaluation included a recommendation to further improve the efficiency of their implementation.

The training activities were also deemed cost-efficient in the *ex post* evaluation of the **five preceding programmes** implemented under the 2007-2013 financial planning period, covering 2011-2013<sup>141</sup>.

**Training providers** benefited from additional EU financial resources and their capacity was improved, thanks to the momentum created by the strategy. However, **funding applications and project documentation requirements** are a source of costs for training providers<sup>142</sup>. While only limited information is available on the actual costs incurred by training providers in this context, the opinions expressed during the Expert Group meetings and during stakeholders' interviews<sup>143</sup> **point to some room for further simplification/savings in this area.**

### 5.2.3 Factors which influenced the efficiency of the strategy

The following **main factors** contributed to the strategy's efficiency:

The objective of **building on the strengths of the existing networks** was achieved. The capacity of training providers to organise qualitative training has successfully been enhanced. This in turn helped achieve the strategy's main benefits and helped improve sharing of best practices.

The use of technology, particularly **the increased availability of e-learning**, had a positive effect on the strategy's efficiency. However, its potential could be further developed, as shown by both the public consultation and the opinions expressed during the Expert Group meetings and the 2018 conference of stakeholders.

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<sup>140</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the interim evaluation of the implementation of the Justice Programme 2014-2020, COM/2018/507 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0507&from=EN>.

<sup>141</sup> [https://ec.europa.eu/justice/grants1/programmes-2007-2013/index\\_en.htm](https://ec.europa.eu/justice/grants1/programmes-2007-2013/index_en.htm)

<sup>142</sup> These may comprise: gathering information on different opportunities and analysing the award criteria / requirements, as well as compliance with eligibility criteria, taking the decision on the financial programme to use, drafting the applications and quality control and reporting on the implementation of projects.

<sup>143</sup> Source: Deloitte final report, page 106.

An additional finding of the public consultation and of the interviews conducted in the framework of the external evaluation study was that the potential for re-using available material has not been fully exploited. The lack of awareness of the European e-Justice Portal was mentioned in this respect, as well as the lack of solutions for keeping e-learning tools and training material developed up to date. The cost of carrying out training activities could, for example, be reduced if a framework for exchanging materials for re-use were to be put in place.

Given the various legal bases of all the different initiatives with a training component, it is not possible to merge them all under the same programme. Nevertheless, ensuring synergies between these various programmes and projects and reducing the possibility of overlaps in training activities across areas is essential for the strategy's efficiency. A positive development in this respect was the merger under the Justice programme of its predecessor programmes in the fields of civil and criminal justice<sup>144</sup>.

### **5.3.Relevance**

**The relevance evaluation criterion looks into the needs and problems of the target groups and assesses to what extent the strategy has contributed to addressing them.**

**The strategy's scope, objectives and tools are considered highly relevant by the stakeholders.**

**Overall, the strategy is viewed as relevant for addressing legal practitioners' training needs in a flexible way and for reaching a broader and larger range of legal practitioners. The geographical scope of the strategy is still relevant.**

**Even though the strategy was deemed relevant by most respondents to the public and targeted consultations and by the majority of stakeholders interviewed, there seems to be some room to improve the strategy's objectives and address more effectively the current objectives with regard to some justice professionals (lawyers, court staff, etc.) In addition, there is also a need to better reach prison staff and probation officers at the end of the judicial chain.**

**The evaluation results confirmed the need to continue addressing the rule of law, fundamental rights, judgecraft and legal terminology. The need to remain flexible in order to address continuously evolving challenges was also underlined.**

#### **5.3.1 The relevance of the strategy's scope**

##### **The relevance of the strategy's substantive scope in addressing training needs**

To reach a conclusion on the strategy's relevance for addressing real training needs, two aspects need to be assessed. The first is whether the needs considered as a priority in the

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<sup>144</sup> European Commission, Interim evaluation of the 2014-2020 Justice programme, Final report, EY in association with Fondazione Giacomo Brodolini, 2018.

strategy can be deemed relevant; the second is the extent to which the strategy is relevant to address these needs for different categories of justice professions.

### **Need for training on EU law**

When asked whether they considered that their profession needed training on EU law, EU judicial cooperation instruments (or law of other Member States), 88.8% of the 2018 public consultation respondents confirmed that their professions needed such training. Specific training needs on EU law for legal practitioners involved in cross-border cases or in judicial cooperation situations were confirmed by 65% of respondents.

There is consensus on the need for training on EU law from the beginning of a practitioner's career. In addition, some 46% of the public consultation respondents consider that knowledge of EU law should be a prerequisite at different times in the career of a justice professional. For instance, changing speciality or sector (e.g. from family law to criminal law) or becoming a team leader (e.g. president of a chamber or head of public prosecution office) were seen as potential stages at which training on EU law should be regarded as a prerequisite.

The need for training on EU law was also largely recognised in the interim evaluation of the Justice programme, which concluded that: 'training needs will vary constantly on the basis of evolutions in national legislation and EU *acquis*, as well as with the retirement of judicial professionals and the entry in the profession of new ones, and it is therefore unreasonable to expect that there will come a point in which European judicial training will become unnecessary'<sup>145</sup>.

### **Need for training on the law of other Member States**

The strategy considers training on the law of other Member States as crucial to ensure mutual recognition of judicial decisions, smooth cooperation between judicial authorities and the execution of decisions. It also considers building mutual trust between the Member States as necessary.

However, based on the public consultation results, about 34% of respondents do not consider training on the law of other Member States as a need of their profession. The Expert Group acknowledged that the 2011 strategy should not have placed training on EU law at the same level as training on the law of other Member States, as the focus should remain on the former<sup>146</sup>.

This trend is also reflected in the number of training activities covering the law of another Member State. As illustrated in the table below, the proportion of this type of activities diminished significantly in 2016.

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<sup>145</sup> European Commission, Interim evaluation of the 2014-2020 Justice programme, Final report, EY in association with Fondazione Giacomo Brodolini, 2018, p. 121.

<sup>146</sup> Expert Group on European judicial training, Minutes of the 18 December 2017 meeting.

**Table 3. Percentage of training activities on the law of other Member States**

Years	2012	2013	2014	2015	2016
Percentage	4.4%	3.6%	4.8%	4.7%	3.1%

*Source: Deloitte, based on the annual monitoring reports*

### **Need for training on legal terminology**

Legal practitioners consider that training on legal terminology is a relevant training need. 76% of public consultation respondents considered the lack of language skills as a barrier for working with peers of another Member State. Language skills are indeed an important tool to ensure smooth judicial cooperation. Many respondents considered that knowledge of additional languages is increasing and helps in the understanding of cross-border decisions and foreign law. The vast majority of respondents indicated that the language of cross-border decisions should be English; however, French and German were also mentioned as cross-border working languages among Member State legal practitioners. In addition, about 49% of public consultation respondents thought that knowledge of a foreign language should be a prerequisite for appointments in some justice professions.

However, general training on language skills is a national competence, and is thus outside the scope of the strategy (which currently focuses on training in foreign language legal terminology). As pointed out by the Expert Group, training on language skills could be provided for, but ‘it is really a national responsibility to ensure that justice professionals have a sufficient proficiency in English<sup>147</sup>, (or in any other language facilitating cross-border communication).

### **The relevance of the EU-level action in judicial training**

The majority of stakeholders see the EU as a crucial driver of support to training on EU law for a wide range of legal practitioners. The political incentive created by the strategy was praised as one of its main benefits, hence the creation and implementation of an EU strategy for European judicial training was considered highly relevant.

Targeted consultation respondents perceive the EU as a key player<sup>148</sup>. Almost 94% of the 81 respondents indicated that the EU should provide support to training activities for justice professionals (against only 2.5% responding negatively). This data suggests that at least some EU involvement is perceived as necessary in the first place, leading to the conclusion that introducing an EU strategy on judicial training was a relevant policy choice which considered the stakeholders’ needs.

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<sup>147</sup> Expert Group on European judicial training, Minutes of the 18 December 2017 meeting.

<sup>148</sup> Targeted consultation, Means and actors of the European judicial training strategy, Question 30.



Whereas almost all respondents to the targeted consultation thought that the EU should be involved in fostering judicial training on EU law, results are less clear-cut on the means to be used by the EU for this supporting role<sup>149</sup>.

Most respondents to the targeted consultation (95%) agreed on the need for the EU to provide financial contributions in the area of judicial training. Over half of respondents also deemed necessary the following: promoting training methodologies, encouraging cooperation between training providers at EU level, providing guidelines and handbooks covering specific areas of EU law, improving the training section of the European e-Justice Portal and promoting awareness about EU judicial training among relevant stakeholders. A significant minority of stakeholders (38%) indicated that the EU should foster judicial training through political support. Only 28% of respondents referred to the year-by-year monitoring activities in this context, although the majority agreed that there should be a yearly monitoring system to follow up on the implementation of the European judicial training strategy.

The role of the EU in coordinating training providers was also recognised as vital for two reasons. Firstly, EU-led cooperation streamlines and improves the quality of the training offered by ensuring that relevant training providers for each target group share best practices among themselves and by making sure that their training offers do not overlap. Secondly, cooperation helps practitioners improve their understanding of the judicial systems of other Member States, which in turn increases mutual trust among practitioners across the EU<sup>150</sup>. The role of the EU was thus essential in promoting further cooperation at EU-level between training providers of justice professions without an EU-level network, whether through the annual conferences of stakeholders or through financial support under the Justice programme. Further EU-level cooperation between training providers of court staff, bailiffs and prison and probation officers was deemed still necessary<sup>151</sup>.

### **Extent to which the strategy is still in line with the needs**

The strategy addresses the needs for training on EU law. Knowledge of EU law is perceived as a key aspect of the career of legal practitioners.

The strategy is thought to address to a good extent the training needs in EU law of legal practitioners. 56% of respondents to the targeted consultation had a positive view of the strategy's ability to cover the main gaps in practitioners' training needs<sup>152</sup>.

Replies to the question of whether the strategy was properly planned and implemented to address specific training needs in relation to EU law<sup>153</sup> were even more positive: 68% of

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<sup>149</sup> Targeted consultation, Means and actors of the European judicial training strategy, Question 31.

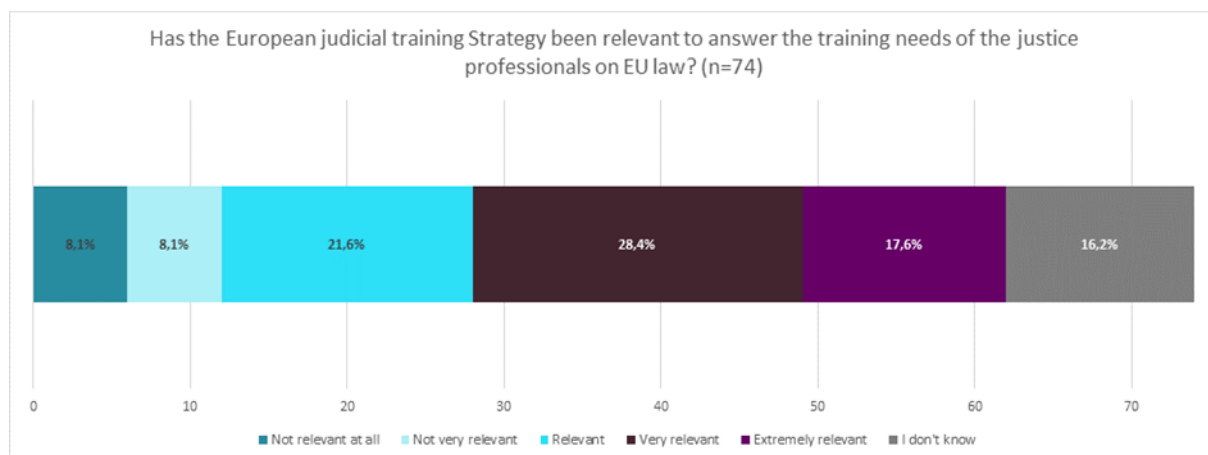
<sup>150</sup> Targeted consultation, Analysis of the replies, p. 20.

<sup>151</sup> This need is notably being addressed for prison staff under an ongoing project to further develop the European network of Penitentiary Training Academies (EPTA), awarded under the 2017 Justice programme call for proposals for action grants in the field of European judicial training.

<sup>152</sup> Targeted consultation, Scope of the European judicial training strategy, Question 1.

targeted consultation respondents found the strategy to be at least relevant to their EU law-related training demand, and as many as 46% found it to be very and extremely relevant. Only 16% had a negative view of the strategy's relevance.

**Figure 9: Relevance of the strategy in relation to EU law training needs**



Source: 2018 Targeted consultation of the European Commission, visualisation: Deloitte

Respondents were also of the opinion that the strategy took into account changes in their training needs (allowing, for example, targeted training in data protection law, asylum law and labour rights<sup>154</sup>).

Two thirds of respondents to the targeted consultation have a positive view of the usefulness of cross-border activities in meeting their training needs, while less than 14% of respondents would not agree. On cross-border exchanges, two thirds of respondents found value in such training, at least to a certain extent.

Overall, the strategy succeeded in addressing new topics and needs mainly through the Justice programme. As stated in the evaluation of that programme, its operational flexibility enables it to adapt easily its annual work programme to cater for emerging needs in the area of justice<sup>155</sup>. The Expert Group underlined the need to keep this flexible approach in the future.

Even though the strategy addresses many areas of law, stakeholders supported the view that it should encompass more topics. In particular, 67% of public consultation respondents supported the idea of increased training on **fundamental rights and the rule of law**. According to the responses, the legal professions most in need of training on fundamental rights and the rule of law are judges (87% of the public consultation's responses), prosecutors (69% of responses) and lawyers (62% of responses).

<sup>153</sup> Targeted consultation, Results of the European judicial training strategy, Question 5.

<sup>154</sup> Targeted consultation, Analysis of the replies, p. 9.

<sup>155</sup> Commission Staff Working Document accompanying the document Report on the interim evaluation of the implementation of the Justice programme 2014-2020, SWD(2018) 356 final, p. 20.

## The relevance of the target groups covered

The target group of the strategy is the judiciary at large. As the training of judges and prosecutors in all EU aspects is essential to ensure the correct application of EU law throughout judicial proceedings, it is natural that these professions were the main target group of the strategy. The main financial support is allocated to the EJTN's operating grant. Two pilot projects were organised targeting these two legal professions: one on best training methodologies, the other on cooperation with EU-level associations.

The annual reports on European judicial training show that there are still gaps in the training of lawyers on EU law. Lawyers' training needs were assessed in a pilot project that the Commission commissioned from the Council of Bars and Law Societies of Europe (CCBE) and EIPA-Luxembourg on the state of play of lawyers' training on EU law. The project focused on the general organisation of **lawyers'** training, collecting and analysing data on existing training activities and developing good practice. Based on these results, CCBE and EIPA-Luxembourg drafted recommendations to improve training activities and develop lawyers' participation in them. In addition, several action grants were provided to cover lawyers' training needs. For example, grants were provided to develop a European Training Platform<sup>156</sup>, to run a pilot exchange programme for lawyers, and for a project to improve mutual recognition of training. However, as mentioned by CCBE and different national bar associations, the training offer for lawyers is still insufficiently developed. **The Expert Group also indicated that lawyers' training on EU law could be further improved**<sup>157</sup>.

As for **notaries**, although they are less involved in judicial activities than the other stakeholders mentioned above, they have some powers in the judicial field (including both civil and criminal law), which also contributes to the implementation of EU law. It was therefore also appropriate that the strategy covered this category of legal practitioners.

**Court staff** needs were mentioned several times as being insufficiently addressed by the strategy. The Commission organised several activities targeting exclusively this category of legal professionals. A pilot project was conducted on the state of play of court staff training on EU law<sup>158</sup>. A first conference dedicated exclusively to the training of court staff and bailiffs was organised in 2015<sup>159</sup>; its conclusions resulted in the specific inclusion of training for court staff among the Justice programme priorities from 2016 onwards<sup>160</sup>. Under the 2014 and 2016 Justice programme calls, first concrete steps were

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<sup>156</sup> The European Training Platform (ETP) project was developed by the CCBE with the financial support of a Justice programme action grant. It is a search tool intended for justice professionals to find training activities across the EU. Beyond the temporal scope of this evaluation, its integration in the European e-Justice Portal is being prepared.

<sup>157</sup> Expert Group on European judicial training, Minutes of the meeting of Monday 18 December 2017.

<sup>158</sup> [https://e-justice.europa.eu/content\\_the\\_european\\_judicial\\_training\\_policy-121-en.do](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do)

<sup>159</sup> [https://europa.eu/newsroom/events/conference-european-cooperation-judicial-training-court-staff-and-bailiffs\\_en](https://europa.eu/newsroom/events/conference-european-cooperation-judicial-training-court-staff-and-bailiffs_en)

<sup>160</sup> See annex to the 2016 Justice programme annual work programme, p. 17.

initiated regarding the analysis of court staff's training needs, the organisation of targeted training activities and the reflection on the cooperation between court staff's training providers in the framework of two projects run by a consortium led by Justice Coopération Internationale (JCI). In addition to quantitative issues, stakeholders also highlighted qualitative concerns: the term 'court staff'<sup>161</sup> encompasses many subcategories of personnel responsible for different tasks who, as a result, have diverse training needs on EU law and on the law of other Member States<sup>162</sup>.

Further progress is expected, since under the 2017 call for proposals for action grants in the field of European judicial training, the European Commission awarded to ERA a grant to train court staff on civil justice cooperation and language<sup>163</sup>, which involves 22 partner institutions from 18 Member States.

**Bailiffs** are covered by the strategy, as is appropriate. Bailiffs do not need to be trained to the same extent as judges, prosecutors or lawyers, as their training needs are more specific and narrower, mainly regarding the enforcement of judicial decisions. Nevertheless, the strategy targeted them to ensure they apply EU law correctly in their daily tasks. However, their training needs are not yet completely mapped and addressed. As the 2014 'Study on the state of play of court staff training in EU law and promotion of cooperation between court staff training providers at EU level'<sup>164</sup> showed, bailiffs are actually court staff in roughly a third of the Member States. It also underlined that bailiffs needed more targeted training. Several projects financially supported by Justice programme action grants, including the 2014 and 2016 JCI projects mentioned above, targeted bailiffs and notably created some first dedicated e-learning<sup>165</sup>. Further efforts are still needed.

**Prison and probation officers** were included in the scope of the strategy as of 2015, after terrorist attacks struck Europe. Many stakeholders stressed the importance of involving prison and probation staff within the scope of the strategy, as they also have EU related training needs, for example relating to the prevention of radicalisation and

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<sup>161</sup> Targeted consultation, Analysis of the replies, p. 10. The most frequently mentioned types of court staff are the following: court wardens and technical staff, assistants for judges and partially independent clerks taking judicial decisions, in particular in connection with registers and the execution of judgments.

<sup>162</sup> Beyond the temporal scope of the evaluation, their specific needs will be assessed in a study commissioned by the Commission in 2019.

<sup>163</sup> Moreover, last developments in further reaching this target group include one more grant awarded by the European Commission under the 2018 Call for proposals to ERA to train court staff on cooperation in criminal matters. It is worth mentioning also the recent decision of the EJTN General Assembly regarding the expansion of the Network to address court staff training and the welcoming of court staff training institutions into the EJTN fold. Changes to EJTN's Articles of Association to accommodate this were subsequently approved at the General Assembly (See: <http://www.ejtn.eu/News/EJTNs-2019-General-Assembly-to-be-held-June-27-28/>).

<sup>164</sup> European Commission Study on the state of play of court staff training in EU law and promotion of cooperation between court staff training providers at EU level, EIPA-Luxembourg and co, 2014, [https://e-justice.europa.eu/content\\_the\\_european\\_judicial\\_training\\_policy-121-en.do](https://e-justice.europa.eu/content_the_european_judicial_training_policy-121-en.do).

<sup>165</sup> <http://www.europe-ejl.eu/>. Request of a login is required.

detention conditions. Two calls for proposals for action grants to prevent radicalisation to violent extremism were issued under the Justice programme.

Although mediators are not specifically mentioned in the strategy, they are considered as part of its scope. Court interpreters and translators are also not specifically included, but as they contribute to the implementation of EU law, they also need to be trained on EU law (in particular on legal terminology). The training needs of these professions were covered to some extent by action grants received under scope of the Justice programme.

### **Geographical scope**

The strategy focused on EU Member States and indicated that the Commission would assess how to promote the participation of candidate countries, potential candidates and neighbourhood countries in European judicial training projects.

Stakeholders confirmed the need to extend the strategy's outreach to these countries. The majority of targeted consultation respondents (71%) clearly stated that the strategy should support candidate countries, potential candidates and neighbourhood countries<sup>166</sup>. The Expert Group also concluded that the strategy should further extend European judicial training to justice professionals from third countries, especially candidate countries and neighbourhood countries.

The strategy in fact already partially covered Western Balkans countries and, to a certain extent, neighbourhood countries. As mentioned under section 5.1.1 'Achieving the operational objectives', most judicial academies from the Western Balkans are EJTN observers. Participation in EJTN activities is open to judges and prosecutors from these countries, but not funded from an EJTN operating grant, with the exception of countries which signed a memorandum of understanding for participating in the Justice programme (Albania and recently Montenegro). Since 2018, the EJTN has engaged in closer cooperation with the Western Balkans by opening participation in its programmes to magistrates from this region under the EU Multi-Country Programme, IPA 2017/039-402. Neighbourhood countries also received EU assistance for training under specific programmes such as TAIEX or EU/Council of Europe partnership projects.

However, the relevance of the strategy for neighbourhood countries, candidate countries and potential candidates is not easy to be measured as the annual reporting does not cover them. As a result, the only measurable results are those of individual training initiatives such as the EJTN seminars.

A recent Commission report<sup>167</sup> on EU support for the rule of law in neighbourhood countries and candidate countries and potential candidates of enlargement provided

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<sup>166</sup> Targeted consultation, Analysis of the replies, p. 11.

<sup>167</sup> European Commission, Thematic Evaluation of EU Support for Rule of Law in Neighbourhood Countries and Candidate countries and Potential Candidates of Enlargement (2010-2017), Particip GmbH and co, Final Report, April 2019, pp. 46-47, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/rol\\_final\\_evaluation\\_report.zip](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/rol_final_evaluation_report.zip)

valuable feedback in this respect: ‘EU support contributed to capacity building by strengthening judicial training of judges, prosecutors, and other justice sector professionals. A large number of judges, prosecutors, lawyers, court administrators, penitentiary staff, and others involved in rule of law have benefited from EU-financed study visits and training workshops financed under bilateral programmes. In Turkey, a distance education programme was developed to ensure that penitentiary staff throughout the country had access to training. Support to judicial training academies in Albania and Georgia aimed to develop and improve curricula in line with European practice. (...) There was EU-financed training on human rights in all case study countries and beneficiaries and, in [Council of Europe] members, training on jurisprudence [of the European Court of Human Rights]. However, it is challenging to measure the effects of EU support to capacity building since many other donors were present and, indeed, some institutions (such as High Schools of Justice in Albania, Montenegro, Serbia, Turkey, and Georgia) were over-endowed with donor support. Overall, the impression left (...) is that there is a lack of coordination and complementarity between donors in capacity building, a problem especially pronounced in support to judicial training institutions (as opposed to training provided to persons already in justice-related professions such as sitting judges and prosecutors).’

### 5.3.2 Relevance of the strategy’s objectives

The objectives of the strategy were deemed relevant by the majority of public and targeted consultations’ respondents and by the majority of stakeholders interviewed.

As for the future, a clear majority (71%) of respondents to the 2018 targeted consultation thought that **new objectives** should be formulated in the future European judicial training strategy, while only less than 4% of them thought that the current objectives should not be updated in any way.

Concerning the type of objectives that the next strategy should focus on (i.e. whether only quantitative<sup>168</sup>, only qualitative<sup>169</sup>, or both), a striking majority thought that **both types of objectives** should be updated under the next strategy<sup>170</sup>.

Two thirds of the targeted consultation respondents stated that the next strategy should formulate **objectives specific to each target group** (only 15% of respondents approved a one-size-fits-all approach to the next strategy). The reasons for differentiated objectives lie in the non-homogeneous training needs and approaches of each target group in their daily practice.

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<sup>168</sup> Quantitative objectives refer to quantified targets in terms of trained practitioners, training activities, or legal areas within the strategy’s scope.

<sup>169</sup> Qualitative objectives refer to the level of the strategy’s impacts on the daily work of legal practitioners, and the satisfaction of those taking part in training activities.

<sup>170</sup> One respondent stated that the new quantitative objective should be to train all legal practitioners dealing with EU law on a daily basis by 2025.

## 5.4.Coherence

**The overall coherence of the strategy was assessed both internally, in terms of consistency between different provisions and conducted activities, and externally with other legal instruments and with national judicial training policies. The strategy is deemed coherent to a great extent, both internally and externally.**

### 5.4.1 Internal coherence

The strategy is internally coherent **to a great extent**. The internal coherence was analysed considering the consistency of its different provisions as well as how the various components of the strategy operate together to achieve its objectives. Except for a minor terminological imprecision, no inconsistencies were spotted by the external study<sup>171</sup>.

The strategy is also **coherent with the activities conducted to implement it**. To ensure this consistency, a pilot project initiated by the European Parliament was implemented by the European Commission through four projects, launched in 2013-14 to identify the best training practices for judges and prosecutors, the training needs of lawyers, and of court staff, and how to promote cooperation between judicial stakeholders concerned by European judicial training.

Subsequently, several training activities were put in place to address the different training needs of the target groups<sup>172</sup>.

The **first need** identified in the intervention logic (‘A functioning European judicial area, where EU law is applied correctly and coherently across the EU and judicial cross-border proceedings run smoothly’) was addressed mainly by the Justice programme. The **second need** identified – ‘A functioning European internal market in which citizens and business can conduct cross-border activities without barriers’ – was addressed by the Rights, Equality and Citizenship programme<sup>173</sup>, in accordance with the specific objectives of both programmes.

The specific objectives of the two programmes can be considered coherent with the training component, since the Justice programme accommodates mainly training of justice professionals, while Rights, Equality and Citizenship is focusing on the following:

‘promoting and enhancing the exercise of rights deriving from citizenship of the Union; enabling individuals in their capacity as consumers or entrepreneurs in the internal

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<sup>171</sup> The strategy targets all legal practitioners, ‘whether judges, prosecutors, court staff, lawyers or other legal professionals’. However, on one particular occasion, the European judicial training strategy only refers to lawyers: ‘every new lawyer should be aware of Union law from the outset’ without mentioning other practitioners (or justifying such focus on lawyers). Nevertheless, the term ‘lawyer’ should be interpreted here in the broad sense, i.e. any person who graduated in law.

<sup>172</sup> For more details see ‘section [5.5.1 Benefits from EU-level action](#)’.

<sup>173</sup> Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020.

market to enforce their rights deriving from Union law, having regard to the projects funded under the Consumer programme [...]; enhancing awareness and knowledge of Union law and policies as well as of the rights, values and principles underpinning the Union [...]; improving knowledge and understanding of potential obstacles to the exercise of rights and principles guaranteed by the TEU, the TFEU, the Charter, international conventions to which the Union has acceded, and secondary Union legislation<sup>174</sup>.

#### 5.4.2 External coherence

External coherence was assessed by analysing how coherent the strategy is with (1) other EU legal instruments and (2) national judicial training policies.

##### a) With other EU legal instruments

The strategy is **coherent with other EU instruments** in the area of freedom, security and justice, which call for increased training on EU law-related activities.

The 2009 Stockholm programme<sup>175</sup> identifies training of and cooperation between the professions involved in the implementation of the area of freedom, security and justice as part of the political priority ‘A Europe of law and justice’. Training is seen as a tool for successfully implementing the Stockholm programme. In particular, training on EU law would foster a genuine European judicial and law enforcement culture<sup>176</sup>.

The Commission followed up on the Stockholm programme with its 2010 action plan<sup>177</sup>, in which it highlights that mutual trust is essential to making real progress in implementing the programme. In its annex, a Communication on an action plan on European training for all legal professions is mentioned as a concrete Commission action in 2011.

The strategy is directly based on these documents and refers to them. In particular, it aligns its priorities and contents with them: ‘The objective of the European Commission is to enable half of the legal practitioners to participate in European judicial training activities by 2020 [...] in line with the objectives of the Stockholm programme’<sup>178</sup>.

It is in line with the 2010 Monti report ‘A new strategy for the Single Market’<sup>179</sup>, which invited the Commission and Member States to further support training programmes and structures, to enable judges and other legal practitioners to have a solid knowledge of the single market, ensuring correct application of EU law, and thus the effectiveness of the single market.

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<sup>174</sup> Article 4, Regulation (EU) No 1381/2013.

<sup>175</sup> European Council, The Stockholm Programme – an open and secure Europe serving and protecting citizens (2010/C 115/01).

<sup>176</sup> Ibid, p. 6.

<sup>177</sup> COM(2010) 171 final.

<sup>178</sup> COM(2011) 551 final, p. 2.

<sup>179</sup> M. Monti, A new strategy for the Single Market, 9 May 2010.



The Europe 2020 strategy includes a general focus on the ‘overall quality of all levels of education and training in the EU’ under the flagship initiative: ‘Youth on the move’<sup>180</sup>. It calls in particular for efficient investment in training and for a consistent legal context at European level. The strategy is thus the Commission’s reply to this call for a step change in the way European judicial training is organised in the EU.

The Commission also links the strategy to the 2010 EU citizenship report<sup>181</sup>. The report mentions judges and legal professionals in its conclusions, stating that they should be aware of citizens’ rights so they can help citizens exercise and enforce them. The strategy aims to provide judges and legal professionals in general with solid knowledge of EU law, so they implement it correctly and protect EU citizens’ rights.

Moreover, the objectives of the strategy and its implementation are consistent with the specific role attributed to different agencies in specific areas.

For example, the strategy was coherent with the work of European Asylum Support Office (EASO). This is an EU agency established to help implement the Common European Asylum System. It helps Member States strengthen practical cooperation among themselves on asylum matters and provides/coordinates operational support for those of them that are experiencing particular pressure on their asylum and reception systems.

Article 6 of the EASO founding regulation<sup>182</sup> specifies that the agency must establish and develop training for members of courts and tribunals in the Member States. This should be done in close cooperation with national asylum authorities and, where relevant, take advantage of the expertise of academic institutions and other relevant organisations. EASO is also required to manage and develop a European asylum curriculum that takes into account the EU’s existing cooperation in that field. The training must be high quality and respect the independence of national courts and tribunals. In this respect, a memorandum of understanding was concluded between the EJTN and EASO, to ensure close cooperation and coordination between the two organisations on judicial training with regard to the areas that are included in the EASO mandate. These are covered by Article 6(2) of the EASO Regulation, for example international and human rights and the EU asylum legislation and case-law.

**Coherence with other strategies** that include learning objectives was also assessed, taking into account time periods, implementation mode and delivery plan, governance, target groups, types of training activity and monitoring and evaluation arrangements.

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<sup>180</sup> Communication from the Commission, Europe 2020 A strategy for smart, sustainable and inclusive growth, COM(2010) 2020 final, p. 13.

<sup>181</sup> Dismantling the obstacles to EU citizens’ rights, COM(2010) 603 final.

<sup>182</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office, OJ L 132/11, 29.5.2010, pp. 11-28.

The following strategies<sup>183</sup> were used as reference point:

- The **2012-16 EU strategy towards the eradication of trafficking in human beings** (the EU anti-trafficking strategy)<sup>184</sup> complementing the requirements of Directive 2011/36/EU, which includes in Article 18 specific requirements for training; This strategy was used as a reference because some of its priorities (Priority D Action 6, Priority E Action 4) focus on training. This is despite the fact that it is a comprehensive instrument, complementing the EU legal framework, which covers a comprehensive approach to crime (prevention, protection, prosecution and partnership). The complex nature of this instrument (not in itself a learning strategy, but a comprehensive strategy that happens to include some specific learning objectives) made it difficult sometimes to use the same terminology or to assess it against the same criteria;
- The **2012 Dublin strategy**, which provides a common training and education framework to help Member States develop skills and knowledge among customs professionals<sup>185</sup>;
- The **2013 Law Enforcement Training Scheme (LETS)**<sup>186</sup>, which was set up to equip law enforcement officers with the knowledge and skills they need to prevent and combat cross-border crime effectively, through efficient cooperation with their EU colleagues.

The **training-related objectives** in these three strategies generally look coherent with/complementary to those of the European judicial training strategy. That does not imply they are always the same or set in the same way as in the European judicial training strategy.

The objectives of the Dublin strategy and the European judicial training strategy share only some features. The Dublin strategy puts in place a new common strategic performance framework for training that aims to:

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<sup>183</sup> The implementation of these strategies is not evaluated here; their characteristics are analysed and compared with those of the European judicial training strategy to determine the level of coherence between them.

<sup>184</sup> Communication from the Commission to European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, COM/2012/0286 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52012DC0286>.

<sup>185</sup> Regulation (EU) No 1294/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1294&from=EN>. It must be noted that the Dublin strategy is formally no longer running. Given its success, in 2017 the Commission launched the 2017-20 EU learning and development action plan for customs and taxation, which builds on the experience of the Dublin strategy. However, in the following subsections we will refer to the Dublin strategy for purposes of assessing its consistency with the European judicial training strategy.

<sup>186</sup> Communication from the Commission to European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions establishing a European Law Enforcement Training Scheme, COM(2013) 172 final, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0172:FIN:EN:PDF>.

- standardise training and development – setting a common framework for establishing and delivering similar high standards across the EU;
- pool capacity – pooling the capacities of all stakeholders involved in customs matters, and encouraging, supporting and structuring the sharing of training and development capabilities across the EU;
- focus on the future – putting in place a European training and development framework focusing on the current and future needs of the workforce.

These objectives are different in nature to the ones for the European judicial training strategy as no quantitative target is set there. However, both strategies aim to improve the training standards, promote the sharing of training, and increase the capabilities of the target groups.

As for the LETS, this instrument, as well as the European judicial training strategy, was enacted to respond to the Stockholm programme's priorities. In particular, the LETS aims to strengthen knowledge of the EU and cross-border dimension of law enforcement, achieving effective bilateral cooperation between national authorities and increasing training on specific topics, to spread best practice and so increase mutual trust. Therefore, it is apparent that both instruments set as key objectives an increase in the levels of mutual trust and cross-border cooperation between national authorities, and they both recognise the relevance of training on EU law to this end.

As far as **EU funding** is concerned, all the strategies reviewed have received it. The European judicial training strategy is supported by a wide range of EU funds. The objectives of the EU anti-trafficking strategy were funded by various programmes, such as the DG Home Affairs funding programmes, the Instrument for Stability, the Justice programme and the Research programme.

The Dublin strategy, developed under the Customs programme, is specifically funded under that programme<sup>187</sup>. Implementation of LETS is backed by the Internal Security Fund in 2014-20 and by the European Social Fund, under certain conditions<sup>188</sup>.

**The governance mechanisms** of the European judicial training strategy and the Dublin Strategy are quite similar in many respects. The European judicial training strategy is governed by a composite structure, including the European Commission's interservice group and the Expert Group on European judicial training (in which judicial training stakeholders are represented<sup>189</sup>).

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<sup>187</sup> European Commission, The Dublin Strategy, p. 14: 'Through the Customs 2013 Programme the European Commission will provide financial assistance for the delivery of training and development courses as well as continue to fund the training and development support provision'.

<sup>188</sup> COM(2013) 172 final, pp. 10-11.

<sup>189</sup> The idea of a possible agency to provide governance for the European judicial training strategy was discussed within the Expert Group and ultimately disregarded, due to the likely inadequacy of such an agency to fulfil this task.

As for the EU anti-trafficking strategy, the Commission had a leading role in setting out the range of priorities and measures aimed at helping Member States apply Directive 2011/36/EU.

The EU Anti-trafficking Coordinator (EU ATC, based in DG HOME), on the basis of Article 20 of the Directive, ensures consistency in EU anti-trafficking action across policy areas and works together with relevant actors via regular coordination meetings. The coordinator liaises with the following bodies:

- EU institutions (European Parliament and Council and other Commission departments via the interservice group);
- seven EU JHA agencies (based on their commitment signed first in 2011), via coordination meetings<sup>190</sup>;
- national authorities, via the EU network of National Rapporteurs and equivalent Mechanisms;
- civil society actors, via the EU Civil Society Platform against Trafficking in human beings;
- international organisations.

The Dublin strategy, supported by the Customs programme, is under direct Commission management, but its governance is shared between the Commission and the Member States<sup>191</sup>.

Governance of LETS is mainly handled by CEPOL, which has a coordination role and consults other JHA agencies, as well as the Member States.

The Dublin strategy is meant to be a ‘living strategy’<sup>192</sup>, i.e. it was designed as an evolving strategy adapting to the changing needs of customs officers. In practice, the Member States and the Commission regularly revise the strategy, under the lead of the European Training Steering Group<sup>193</sup>. In particular, this group was in charge of providing information on common training initiatives under the Customs programme.

In contrast, there are no plans for regular revision of the strategy; but, as indicated by the Expert Group on European judicial training, the European judicial training strategy was flexible enough to address new emerging training needs, notably through the Justice programme.

In terms of **target groups**, none of the strategies reviewed address target groups as large and comprehensive as that of the European judicial training strategy. They address

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<sup>190</sup> The second joint statement of commitment to work against human trafficking was signed on 13 June 2018 by the heads of ten EU agencies, including Europol, Eurojust, Frontex/ECBGA, FRA, EASO, EIGE, eu-LISA, EMCDDA, Eurofound and CEPOL.

<sup>191</sup> European Commission, The Dublin Strategy, p. 7.

<sup>192</sup> Ibid.

<sup>193</sup> The European Training Steering Group was an informal and temporary expert group of the Commission made up of officials from the national customs authorities appointed by their Member States to support the implementation of the Customs Programme, especially in the area of common training. The group no longer exists.

categories of professionals who at times interact with those addressed by the strategy, which suggests that the four strategies cover many different types of professionals involved in judicial cooperation without any major overlap.

The target group addressed by the EU anti-trafficking strategy only slightly overlaps with the one targeted by the judicial training strategy<sup>194</sup>: the EU anti-trafficking strategy focuses on those who fight human trafficking and protect and support victims of trafficking. It refers directly to the judiciary and cross-border law enforcement officers, who are also targeted by the European judicial training strategy and the LETS. The EU anti-trafficking strategy indicates that the Commission aims to strengthen training that focuses on these two justice professions, and subsequently refers to the two other instruments, ensuring coherence with them.

In terms of **subjects covered**, the LETS Communication acknowledges the need for EU-sponsored training in criminal matters such as money laundering, cybercrime and terrorism — all of which are issues relevant to law enforcement officials.

The European judicial training strategy has to some extent covered these issues in training for justice professionals. Although prosecutors are covered by both strategies, the two strategic documents are explicitly aware of this partial **overlap**. This meets the European Parliament's call for a more coherent training framework for judicial and law enforcement officials in the EU<sup>195</sup>, and ensures coherence between the European judicial training strategy and the LETS<sup>196</sup>.

#### **b) Coherence with national judicial training policies**

The European judicial training strategy is **complementary to national judicial training policies**. Its introduction already underlines that 'the creation of a European judicial culture that fully respects subsidiarity and judicial independence is central to the efficient functioning of a European judicial area'<sup>197</sup>.

The strategy also recalls that Member States bear the main responsibility for judicial training. It is also important to highlight that the strategy also needs to respect the judicial independence as well as the self-organisation of professional associations of judges, prosecutors, lawyers, notaries, and bailiffs. So the strategy acknowledges that it would be neither permissible nor appropriate to confer on the EU sole responsibility for judicial training.

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<sup>194</sup> Another slight overlap exists between target groups: LETS applies to 'law enforcement of all ranks, from police officers to border guards and customs officers, as well as, where appropriate, other state officials, such as prosecutors'. This shows partial overlap between LETS and the Dublin Strategy as regards custom officers – but this does not affect the coherence of the European judicial training strategy.

<sup>195</sup> European Parliament resolution of 14 December 2011 on the EU Counter-Terrorism Policy: main achievements and future challenges (2010/2311(INI)).

<sup>196</sup> Ibid.

<sup>197</sup> COM(2011) 551 final, p. 2.

It is clear, therefore, that the strategy does not aim to replace national training policies. The strategy actually points out that the national, regional and local existing structures are essential to ensuring that judicial training activities include an EU law dimension. So the strategy seeks to build on such structures, as well as on European ones, to achieve its objectives. Thus it ensures coherence with national policies by channelling EU priorities through existing networks already relied upon by national training providers. Moreover, securing such coherence is the main goal of the EJTN as a network of all national level judicial training providers. It is also significant that the strategy indicated that training half of all legal practitioners in the EU by 2020 was a shared challenge.

In this sense, the strategy fully respects a bottom-up approach<sup>198</sup> and the principle of subsidiarity: indeed, it provides the general framework for building mutual trust across the EU through judicial training, without imposing mandatory requirements on Member States concerning their national judicial training policies. It also enables cooperation between national and EU-level networks, complementing the national level.

Moreover, EU-level training providers are aware of this issue. As explained and discussed during the 2018 conference of stakeholders, EU-level stakeholders aim to develop and deliver training activities complementing the national offer and thus bringing added value.

## 5.5. EU added value

### **The strategy brought about EU added value to a good extent.**

The key aspect of the strategy is the creation of the incentive for all stakeholders to reach its common objective by underlining the importance of training on EU law for legal practitioners and showing the political message of commitment to improving this. Establishing a common objective for judicial training of EU legal professionals was also essential to generating this momentum.

The strategy has not only **increased the number of training activities** but also **promoted some types of activities that Member States could not have implemented themselves, such as exchange programmes.**

The strategy helped **improve training on EU law for several categories of legal practitioners.**

It also contributed to the impressive **development of the EJTN** and the **reinforcement of EU-level networks and training providers**, such as CCBE, CNUE, ERA, EIPA and others.

<sup>198</sup> The European Parliament stressed the importance of the bottom-up approach for judicial training schemes in its Report on the mid-term review of the Stockholm Programme (2013/2024(INI)).

### 5.5.1 Benefits from EU-level action

The results of the targeted consultation confirm that the strategy and its implementation brought added value, over and above what could reasonably have been expected from action by Member States alone. Some two thirds of respondents thought this was the case (20% *to some extent*, 30% *to a large extent* and 17% *to a great extent*).

**A key impact of the strategy was to create impetus for all stakeholders** by underlining the importance of training on EU law for legal practitioners and giving a message of political commitment to improving it<sup>199</sup> and securing the funds to implement it.

The **EU funds** supporting the strategy were perceived as a key point in its implementation, bringing a clear added value. These funds enable cross-border projects that could not possibly be organised by any Member State alone, due to the limited resources (including financial) available at national level.

The interim evaluation of the Justice programme confirms this finding, underlining that the EU added value of this programme (which is crucial among the funding programmes supporting the strategy<sup>200</sup>) is evident above all in the implementation of ‘transnational projects with a European dimension to tackle cross-border issues’<sup>201</sup>. As one respondent commented in the targeted consultation: ‘the added value of EU funding and strategy is creating the possibilities and facilities to bring the judicial training institutes and magistrates from all over the EU together in common activities which a national member couldn’t do alone’.

The establishment of **concrete objectives** for the judicial training of EU legal professionals and the implementation of a system to monitor their achievement was also essential for creating an incentive to reach these objectives.

The strategy’s specific target of training half of all legal professionals in the EU between 2011 and 2020 has already been achieved. The increase in the number of legal practitioners trained is a clear indicator of the added value of the strategy, linked to its specific objective and monitoring system, which is regarded as a useful tool by stakeholders — particularly training providers — for closely following the progress achieved annually and keeping them motivated to reach the strategy’s target.

The strategy has not only **increased the number of training activities** but also **promoted some types of activities that Member States could not have implemented alone**, due to insufficient resources (organisational, human, budget, etc.) — for example, the exchange programmes.

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<sup>199</sup> Minutes of the Expert group on European judicial training, 18 December 2017.

<sup>200</sup> The Justice Programme is the main financial source: 75.5 % of practitioners trained thanks to EU funds in 2016 took part in training funded by this programme.

<sup>201</sup> COM/2018/507 final.

The strategy has indeed contributed to increasing the training activities on EU law, both at national and EU level:

### **EU level**

Cross-border judicial training activities increased as a result of the strategy, and especially the EU funds underpinning it. These activities bring EU added value and are highly appreciated by stakeholders. They enable practitioners not only to deepen their knowledge of EU law, but also to meet their counterparts from other Member States.

In this way, they gain trust in other judicial systems, when hearing from their counterparts about how they work, and build personal networks, which are useful subsequently when they are faced with cross-border cases.

### **National level**

To some extent, the strategy has increased interest in EU law training activities nationally, by pointing out the need to train legal practitioners on EU law and bringing this issue to the top of the political agenda, triggering a commitment by national authorities to achieve its objectives.

After the strategy was adopted, some Member States actually adjusted their national judicial training curricula and implemented specific measures, to include or reinforce the EU law dimension:

- in **France**, *l'École de formation du barreau de Paris* hired a full-time equivalent staff member dedicated to designing learning material and supporting teachers in strengthening the EU law components of their courses<sup>202</sup>;
- in **Germany**, two dedicated full-time equivalents were assigned to implementing the strategy at federal level;
- in **Belgium**, participation in the AĬAKOS programme was made mandatory for trainee judges;
- **Other countries**, such as Austria (notaries), Czechia (judicial school), Cyprus (Supreme Court of Justice), Slovenia (national authority), Romania (judges) and Poland (judges) also took the strategy into account by putting in place measures to strengthen the EU law dimension in their training.

These measures show the added value of the strategy (it was assumed that these countries would not have adopted them without the strategy).

However, we should be careful not to attribute *all* changes systematically and exclusively to the strategy.

The strategy helped **improve training on EU law for most of the categories of legal practitioners, beyond what could have been achieved at national level:**

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<sup>202</sup> This initiative lasted one academic year (2015/2016) and was not fully successful due to the reluctance of some teachers to change their teaching material. Other initiatives were subsequently implemented.



- The numbers of judges and prosecutors participating in training increased greatly due to the expanded training offer supported by the EU-funded programmes;
- Court staff received a focus that they never had before, both within the strategy and in its implementation, as they became a priority target group in the Justice programme calls for proposals;
- Notaries organised cross-border training activities for thousands of participants in half the Member States, due to EU-funded projects. This then had a multiplier effect, leading to the organisation of additional national training activities;
- The CCBE put training on its agenda, addressed the training needs of lawyers and launched several initiatives to improve the situation, notably the European Training Platform and the memorandum of understanding between its members on mutual recognition of training followed abroad.

The full recognition of the **EJTN**, and the concrete responsibilities assigned to it, in the text of the strategy were essential for the impressive **development of this network**, which more than doubled the number of participants in its training activities between 2011 and 2017. The explicit call in the strategy for **EU-level networks and training providers** to help implement the strategy created the incentive for CCBE, CEHJ, CNUE, ERA, EIPA and others bodies to continuously develop their activities, and gave a favourable political and financial context for such development.

These organisations do not only deliver training activities, but also sustain the connections among their members (e.g. through annual gatherings, spreading good practice, support for preparing proposals). The incipient cooperation between court staff training providers at EU level, under the Justice programme's action grants, was also essential for starting to assess the court staff's training needs in EU law.

The strategy supported the development of **training methodology guidelines** and identified training best practice and practical examples at European level, an effort which could not have been achieved only at national level. These tools were not only distributed through the European e-Justice Portal, but also used as pre-requisites when evaluating the quality of projects submitted in response to calls for proposals under the Justice programme, which contributed to their wide recognition at EU level.

In addition, the strategy encouraged the development of **training material** and advertised the material developed under EU co-funded projects — some of which were uploaded to the e-Justice Portal. The 'Advice for training providers' – a compilation by the Commission of all the recommendations and good practice from previous EU-level studies, handbooks and conferences on the topic – is recognised as a valuable tool for training providers.

The strategy also helped sustain and strengthen the **EU-level networks** such as the EJTN, CNUE, ACA-Europa and ENCJ, due to the operating grants awarded under the different EU funds notably in recognition of their role, under the strategy, of supporting activities by EU-level stakeholders.

For example, the continuous increase in financial support for the **EJTN** was a direct consequence of the responsibilities given to it under the strategy and the priority this

established for it. The role of the EJTN and other training providers, receiving either operating grants (e.g. CNUE received two operating grants including to support its training governance) or action grants (e.g. CCBE, ERA) is also regarded by legal practitioners as crucial for implementing the strategy. The justice professions currently lacking a network (e.g. court staff) expressed their willingness to either join an existing network or create a new one<sup>203</sup>.

### 5.5.2 Limitations in the strategy's EU added value

There were, nevertheless, some **limiting factors in delivering full EU added value**.

The stakeholder consultation showed that some of the stakeholders contacted had **no awareness** of the strategy.

**The low awareness among justice professionals of the European e-Justice Portal** (and the training material available there) is also a limiting factor. The external study supporting this evaluation concluded that high-level quality material resulting from EU-funded projects does not reach enough stakeholders. Because these do not all benefit from the existing material, the strategy is not adding its full potential value (and this might even lead to some wasted efforts, if similar projects are proposed which yield similar results).

As to the **EU funds**, the external evaluation study and the 2018 conference's conclusions noted that their administrative complexity limits the submission of proposals, as stakeholders tend to think that the benefits of receiving funding are not worth the effort needed to submit an application that complies with the general requirements.

Many stakeholders (e.g. in Austria, Estonia, Germany and Greece) indicated that if they are involved, they actually prefer to have an associated partner role rather than the project leader role, which entails excessive administrative resources. The leading role is, therefore, usually held by EU-level training providers, such as the EJTN, ERA, EIPA, CCBE and CNUE.

Some stakeholders with less administrative capacity, such as small national, regional and local training providers, even seem to have stopped applying for EU funds because of the administrative burden in preparing submissions. However, this was not without advantages: oversubscription (criticised by Programme Committees as a waste of resources for unsuccessful proposers) has been very limited in the judicial training field (also due to its highly specialised field), thus limiting wasted efforts.

Despite the clear support which the **networks** bring to the strategy's EU added value, one conclusion of the external evaluation study was that the various networks are currently

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<sup>203</sup> Beyond the temporal scope of the evaluation, at the call of the European Commission for court staff training providers to cooperate at EU-level and following internal discussions on EJTN's future strategy, the EJTN adopted a recent decision in their 2019 General Assembly to address court staff training and the welcoming of court staff training institutions into the EJTN fold. Changes to EJTN's Articles of Association to accommodate this were subsequently approved at the General Assembly.

not sufficiently meeting and discussing with each other, thereby missing the opportunity to build on their experience and knowledge (i.e. networking between the networks) to bring even higher collective added value.

### 5.5.3 Likely consequences of withdrawing the strategy

Since the strategy was regarded as a policy document that encourages **political commitment** towards European judicial training, withdrawing the strategy could give the opposite political message, i.e. that the issue is no longer a priority on the European agenda.

Since the increase in national funds channelled to judicial training was seen as a direct consequence of this political signal, withdrawing the strategy could produce the opposite effect, a **reduction in budgets** for European judicial training. Almost all stakeholders interviewed emphasised the negative effects that would ensue if EU financial support was stopped. In particular the **training providers** such as the EJTN, ERA and EIPA, essential actors in EU judicial training who rely on the EU operating and action grants, would be seriously impacted by this funding shortfall.

For example the **EJTN** received 96% of its budget from the Justice programme for its 2017 work programme (a direct consequence of its responsibilities under the strategy and the priority given to this network). Without the EJTN's specific role under the strategy, it is likely that it would also have to face a budget cut. This would drastically decrease their activities, and the impact they have. Indeed, if the remaining budget was sufficient only to fund the organisation of meetings by members, and not cross-border training activities or exchanges, the network would effectively cease to have any genuine impact.

Withdrawing the strategy would also have an impact at **national level**, since some participating countries would not have enough resources (financial, human or organisational), or in other cases the political interest, to provide judicial training. They would not be able to organise the same volume and variety of cross-border training activities.

Moreover, without the tools that monitor the strategy (such as the annual monitoring reports), it is likely that the **commitment of training providers** and other stakeholders to achieving specific quantitative or qualitative goals would diminish. Without a specific target to be reached, stakeholders are unlikely to remain motivated to continually increase the number of training activities on EU law.

Finally, in the long term the results of withdrawing the strategy could be a lower level of both understanding of EU law and mutual trust. The ever tighter integration of EU Member States, bringing ever more cross-border transactions, travel and migration, naturally leads to the widespread need for legal practitioners from different EU countries to have a good knowledge of EU law and a sufficient level of mutual trust.

Without the strategy, this need would persist but Member States would be unlikely to have the capacity to address it with the same levels of benefit/achievement that the support provided through the strategy brings.

## **5.6.Sustainability**

**The strategy managed to have a lasting effect on its direct target audience and other main stakeholders, evident in:**

- **improved knowledge and use of EU law, and attitudes towards it;**
- **stronger mutual trust between justice professionals in the Member States;**
- **more cooperation and knowledge sharing among legal practitioners;**
- **training providers' increased capacity to deliver training on EU law and embed EU law in their curricula.**

**However, the following challenges to the strategy's sustainability remain:**

- **training material produced with EU support is not always re-used to its full potential;**
- **the potential of the European e-Justice Portal is under-explored;**
- **need to complement EU support at national level;**
- **some stakeholders do not consider time spent on judicial training as an investment.**

### **5.6.1 Internal and external factors linked to sustainability**

The lasting impact of the strategy is linked to various internal and external factors, either actual or potential. It also depends on how sustainable the activities are at both EU and national level.

In the study conducted for the interim evaluation of Justice programme, 80% of respondents believed that the programme's judicial training sub-objective had produced lasting results.

Though half of these (40% of all respondents) thought the programme *very important* for ensuring sustainable results, the other half thought the programme had only a low impact on this. The remaining 20% thought the programme had no impact on sustainability<sup>204</sup>.

#### **Factors influencing sustainability in the learning process**

Training is expected to produce a long-term impact if the knowledge and skills acquired are likely to be used in practitioners' daily activity, improve the quality of their work, maximise their efficiency and increase mutual trust.

#### **Internal factors**

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<sup>204</sup> Interim Evaluation of the 2014-2020 Justice Programme. Final Report. EY and Fondazione Giacomo Brodolini for the European Commission, pp. 248-249.

The following features could be considered **internal factors** influencing the sustainability of the learning process (and hence the strategy):

- tailoring training activities to specific groups of participants;
- linguistic accessibility of the training activities and materials;
- quality of learning;
- evaluation of the quality and impact of learning.

According to the stakeholders interviewed, the strategy, the Commission and the EJTN are a source of inspiration in this respect, supporting training providers through valuable advice on how to create/organise practical training activities and promoting the four-level Kirkpatrick evaluation model.

### **Multiplier effect**

Sustainability also depends on the potential for re-using training material. This is one of the factors assessed when evaluating proposals submitted in response to a call.

Another way of getting a multiplier effect for the target audience while ensuring high quality is the train-the-trainer (TTT) format<sup>205</sup>. The Justice programme made this format a funding priority<sup>206</sup>.

The follow-up planned for the activities is also important.

The study on the Justice programme found evidence of synergies and cooperation among projects funded under this programme and other programmes/initiatives, to ensure against overlaps/duplications<sup>207</sup>.

Some projects funded by the Justice programme (e.g. the projects ‘EU judiciary training on Brussels IIa Regulation: from South to East’ and ‘Interregional and practice oriented judicial training in EU civil law’) built on material available on online platforms. This ensured continuity with existing activities and outputs, and also enabled them to use existing structures to develop new projects on different subjects<sup>208</sup>.

The EJTN, ERA and Notaries of Europe regularly make training material freely accessible on their websites.

A good model of sustainability of the training material is the roll out of the seminars and online courses developed by the Council of Europe through the HELP programme at national level, translated in the national language of the participants.

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<sup>205</sup> As well as teaching participants the field of EU law in question, Train-The-Trainer schemes develop the skills necessary to become a trainer, able to pass on knowledge: presentational and teaching skills, interaction, creation of learning materials, etc.

<sup>206</sup> For example, the 2017 call had as a priority: ‘cross-border training activities for multipliers, such as judicial trainers or EU law court coordinators, where there are guarantees that the multipliers will pass on their knowledge to other legal practitioners in a systematic way.’

<sup>207</sup> The case of the project ‘Europe for Notaries’, implemented by Notaries of Europe, is cited.

<sup>208</sup> Interim Evaluation of the 2014-2020 Justice Programme. Final report. EY in association with Fondazione Giacomo Brodolini for the European Commission, pp. 249.

However, ensuring sustainability after the completion of the project can be complex, as suggested by interviews, especially for beneficiaries of action grants (limited in time), and because of the lack of a common repository for the output of all projects.

### **Digital tools**

E-learning is seen as a factor in sustaining the results of the strategy, due to the potential to re-use material and making it accessible to a great number of participants in a flexible manner and at a reasonable cost. According to 68 % of the targeted consultation respondents, the Commission achieved its goal of promoting e-learning to some extent.

The external evaluation report found participating countries increasingly aware of the importance and benefit of e-learning, although only a minority of the stakeholders interviewed actually already use it regularly (in the targeted consultation, only 31% stated they were actually using e-learning). However, to be sustainable, an e-learning module should provide content to participants in a dynamic and interactive way – it cannot consist solely of providing electronic versions of handbooks or legal texts, as sometimes still appears to be the case.

However, the strategy did not fully attain its sustainability goals for distributing material on the European e-Justice Portal, because stakeholders were insufficiently aware the Portal existed and found it difficult to use.

A large percentage of respondents to the targeted consultation stated the Portal's training section was not particularly useful in helping them learn about EU law or providing relevant training material for training providers:

- just 32% thought the strategy had achieved its goal of developing the Portal to support European judicial training;
- 23% found the Portal 'extremely' to 'very useful' in supporting the strategy;
- 45% thought the Commission should improve the Portal's training section.

### **External factors**

#### **Time for training seen as an investment**

Key factors here include the extent to which justice practitioners, Member State authorities and representatives of professional associations in the sector view the training activities as bringing value to their daily work, and their willingness to keep their knowledge of an ever-changing EU legal environment up-to-date.

**The strategy succeeded overall in raising the awareness of justice professionals on the importance of EU law for their daily practice:** two thirds of respondents to the targeted consultation had changed their attitude towards EU law (to some extent/a large extent or a great extent); the interviews also confirmed this finding (mentioning some or a large improvement in practitioners' attitudes towards EU law, and increased awareness of its importance) — although 47% of the consultation respondents attributed the

continued ignorance of EU law to a lack of understanding of its relevance to practitioners' daily work.

However, the external evaluation study identified a **negative perception of time spent on training**, which hampers the sustainability of the strategy: legal practitioners interviewed said they had no time to devote to learning and no (or too little) time available for training; classroom sessions and exchanges were regarded as highly time consuming, obliging attendees to suspend/delay their daily tasks; respondents to the targeted consultation also confirmed this lack of time (nearly half said they had no time to attend training, an issue which the strategy does not take sufficiently into account when addressing their needs).

In addition, some interviewees mentioned that Court presidents are not always aware of the added value of training activities on EU law, and hence refuse their requests to participate. However, interviewees from a few Member States (e.g. Bulgaria, Germany) stated that the attitudes of their court and prosecution officers towards dedicating time to training activities had improved since the strategy was adopted. The exchange programme for Court Presidents, put in place by the EJTN in 2017, was also designed to help change attitudes in this regard.

### **5.6.2 Lasting effect on direct target audiences and other main stakeholders**

#### **Lasting effect on training providers**

This consists mainly of the systematic inclusion of EU law in the curriculum of training providers at national and EU level.

39% of respondents to the targeted consultation saw a 'very' to 'extremely' lasting effect of the strategy in the available training on EU law. These results were confirmed by the stakeholders interviewed, who mentioned that, thanks to the strategy, providers now include EU law training in their national curriculum (either as a separate subject or within already existing courses) to a greater extent than before.

The improved capacity of providers to organise good quality training on EU law (clearly recognised under the efficiency criterion) also boosts the strategy's sustainability.

The potential re-use by providers of the training material produced at EU level should also boost sustainability. Many interviewees use EJTN material, which they consider of suitable quality, or material from other EU schools or other stakeholders (e.g. the EJTN's Train-the-trainer handbook and linguistic training methodologies, training material from the HELP programme, and booklets on regulations from CNUE<sup>209</sup>).

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<sup>209</sup> <http://www.ejtn.eu/Methodologies--Resources/>; <http://help.elearning.ext.coe.int/>; <http://www.notaries-of-europe.eu/index.php?pageID=194>.

However, the material produced with EU support is not always re-used as much as it could be. Most of the providers and Member State authorities interviewed have their own learning material, which they distribute through their website or e-learning platforms. Some of them create themselves up to 80% of the material required, sometimes in cooperation with ERA or EIPA or with speakers they invite; they even share documents and best practice with partner countries.

The lasting effect of the strategy on training providers is also enhanced by the train-the-trainer activities. The trainers who attend are expected to act as further multipliers of the knowledge.

The networks and their continued existence are also important multipliers of the training activity, spreading the results to their members. Building on the networks and ensuring they work well was a clear objective of the strategy, achieved to a great extent, which clearly increases its sustainability.

The most important network in this regard is the EJTN, which provides its members with standard guidelines, curricula, lists of experts, etc. – which they can use for their own training activities, potentially on a national wide basis.

However, the continuation of the EJTN and the other networks depends to a large extent on the EU providing financial and organisational support. The participants in the validation workshop also underlined the importance of bringing together training providers and existing networks every year, to allow for cooperation and the creation of partnerships, as done at the yearly conferences hosted by the Commission. Indeed, the 2018 conference of stakeholders concluded that – while there is no need for further networks – communication and coordination among existing networks should be further improved.

### **Lasting effect on legal practitioners and other stakeholders**

By their nature, the results of training initiatives always include a sustainability component: the knowledge attained, awareness raised and exchanges initiated are all meant to last and be reflected in the stakeholders' behaviour after the training and the underlying project have finished. The lasting effect is reflected in their level of knowledge of EU law, changes in attitude towards EU law and the use of EU law.

The strategy has increased practitioners' **knowledge of EU law**. The prime indicator of this is the increased number of training activities on EU law and participants in them. Despite differences among legal practitioners in Member States, most of the interviewees mentioned that practitioners' knowledge of EU law increased as a result of the strategy, especially younger practitioners, since more EU law is now included in initial training. In the public consultation, roughly 61% of respondents said they had knowledge of EU law (33% to some extent, 20% to a large extent and 8% to a very large extent).

Regarding the **use of EU law**, 86% of respondents to the public consultation said they remember having used knowledge acquired at an EU law training session in their daily



work. Interviewees also noticed an increase in the use of EU law in the daily work of legal practitioners, ascribed to increased knowledge in and a change in attitude towards EU law (and related training).

The level to which EU law was used after the implementation of the strategy was compared to that used before (the baseline). This also showed an increased level of recognition of EU law and enforcement of cross-border judgments following the strategy.

Regarding the level of **mutual trust** between justice professionals in Member States where interviews were conducted, most interviewees noticed that cross-border cooperation had improved significantly compared with previously (when previously, in some Member States, there were little or no opportunities for contact with peers from other Member States).

The main factor increasing mutual trust is the networking and sharing of experience and best practice. This is directly supported by the exchanges that take place through the EJTN or individual funded programmes: EU cross-border activities and specifically all activities organised by the EJTN helped increase the level of mutual trust. Interviewees indicated how much they appreciate the chances which the EJTN offers to take part in conferences and workshops, where practitioners can meet counterparts from other Member States. Also, at the validation workshop, face-to-face activities were deemed to be the best way of building mutual trust. Many interviewees and workshop participants stressed the benefits of face-to-face contacts between practitioners from different Member States – ensuring sustainability through cross-border meetings and conferences, training and exchange programmes. It was very clear that most interviewees could see the added value of these cross-border initiatives and were very pleased to be able to participate or organise them more easily than before the strategy – thanks to a change in attitudes and increased financial support.

Some interviewees indicated that the strategy has helped create a space in which judicial professionals can be part of the EU judicial culture, sharing best practice and setting up cross-border internships and exchange programmes. In particular, the strategy was essential in ensuring smooth contact between **notaries** across Member States, improving cross-border cooperation. Smaller jurisdictions in particular saw a significant increase in mutual trust; before the strategy they did not have such opportunities for interacting with other jurisdictions.

## 6. CONCLUSIONS

This evaluation shows that, overall, **the 2011 strategy achieved its objectives, efficiently and at reasonable cost**. It complemented national policies in the field in a **relevant** and **coherent** manner, in full respect of the subsidiarity principle, and added **lasting value** that Member States would not otherwise have been able to achieve.

The strategy created **political momentum**, which prompted increased commitment to judicial training by both EU and national bodies, backed up with **additional funds**.

Its **objectives** were found to be **concrete, realistic and relevant** to the needs of justice professionals. The **indispensable character of the EU action** and its clear benefits were largely acknowledged; in particular the huge increase in cross-border training activities and judicial exchanges could not otherwise have been achieved.

The **operational, specific and general objectives** were achieved *to a good extent*.

The target of **training half of all legal practitioners** on EU law between 2011 and 2020, in itself a driver of political change, was achieved two years ahead of time. Over the 7 years, almost all the categories of justice practitioners targeted reached the annual 5% target of trained practitioners per profession.

The objective of **1,200 judicial exchanges per year** was surpassed and the number of training activities constantly increased. The success of the AĬAKOS programme represents substantial progress towards the objective that all newly appointed judges and prosecutors should take part in an exchange organised by national judicial training institutions.

The strategy led to **almost doubling the total funds** made available to train legal practitioners through EU programmes and greatly improved the capacity of networks such as the European Judicial Training Network (EJTN) and training providers such as the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA-Luxembourg).

The direct link between EU financial support and the increases in the number of participants and training activities led stakeholders to underline the importance of this financial support, calling for an increase of the amounts dedicated to European judicial training.

Other operational objectives were achieved *to a certain extent*:

- improving the national regulatory frameworks;
- increasing support for training on legal terminology in foreign languages.

Outstanding needs that were identified:

- improving the training section on the European e-Justice Portal;
- further improvement in training **lawyers** and **court staff**, as well as **bailiffs**, on EU law;
- increased training of **prison staff and probation officers**, at the end of the judicial chain (on EU-specific issues such as anti-radicalisation and the EU's Fundamental Rights Charter).

Other factors suggested as increasing the strategy's effectiveness include improving the potential for e-learning, increasing awareness of the European e-Justice Portal and further simplifying access to EU funding opportunities.

**Overall, the strategy helped increase knowledge of EU law while reinforcing mutual trust between legal practitioners.**

The strategy was considered **efficient** and the costs associated with implementing it were deemed, overall, to be **proportionate and justified**, especially regarding the number of legal practitioners trained. But although the need to continue monitoring results is largely accepted, since the strategy and the annual reports seem to be both a political trigger and a driver of global commitment, further improvements and simplification of the process were suggested in the feedback received.

The **relevance** of the strategy's scope was confirmed, with a clear expectation that its objectives should be further extended – not just geographically, but also to new subjects and to cover other professions.

The evaluation results confirmed the need to **more effectively reach some categories of justice professionals** (notably lawyers, court staff) and address further subjects like the **rule of law**, fundamental rights, judge craft and legal terminology. The need to remain flexible, to address continuously evolving challenges, was also underlined.

Beyond confirming the geographical focus of the strategy on EU Member States, the evaluation results highlighted the need to continue addressing also countries outside the EU who wish to follow European values (supporting knowledge about the rule of law and EU legislation).

The strategy is **coherent** overall, with no major inconsistency. It fits well with other EU instruments affecting the judicial training field and with other strategies that have training objectives, and is coherent with the **judicial training policies of the participating countries**.

The **strategy brings EU added value**. The political interest triggered by the strategy enabled EU funds to be allocated to this subject. Most strategy objectives would not be achieved to the same extent or at all at national level without it. The strategy offered **EU-level networks and training providers** a framework for coordinating their efforts towards shared goals.

The EU added value of the strategy relies also on expanding the capacity of EU-level networks and organisations, which proved to be key players for training justice professionals at European level, helping the strategy meet its objectives.

The EJTN was widely praised for the high-quality cross-border training offered to judges and prosecutors in the EU, and for its contribution to increasing the number of participants, training activities and exchanges. Its nine 'Judicial training principles' are becoming a general reference in the judicial world and the exchange programme for new and experienced judges and prosecutors has become a symbol of common identity for its participants, sharing the same values and belonging to a unique European culture.

The role of other EU-level training providers (ERA, EIPA-Luxembourg) and networks, such as CNUE for notaries and CCBE for lawyers, was also deemed instrumental in furthering training on EU law for these professions. The need for further cooperation between training providers of court staff and of prison and probation officers was also underlined; further developments in this respect are ongoing.

This makes the case for a continued need for training projects with an EU dimension, and shows that the continued work of the networks depends on EU financial and coordinating support.

In terms of **sustainability**, the lasting effect of the strategy is visible in:

- improved knowledge of, attitudes to and use of EU law;
- strengthened mutual trust;
- increased cooperation and knowledge sharing among justice professionals in the participating countries;
- consolidated capacity of training providers and networks to deliver training on EU law.

Remaining challenges to sustainability include:

- the training material produced with EU support is not always re-used to its full potential;
- the potential of the European e-Justice Portal is under-explored;
- need to complement EU support at national level;
- some stakeholders are reluctant to consider time spent on judicial training as an investment;
- mechanisms allowing better controls on the quality and sustainability of the training material used by practitioners and financed by the EU should be further considered.

**Overall, the results** of the evaluation of the 2011 European judicial training strategy were widely acknowledged as **highly positive** and support the case for continuing efforts in this field.

The strategy created **high expectations within the legal community** that the Commission will build on the strategy's successes to date and benefit from the lessons learned from implementing the strategy when further developing policy in this area.

**Table 4. Overview progression table**

	Effectiveness	Efficiency	Relevance	Coherence	EU added value	Sustainability
Assessment to baseline						
Colour code:						
	To a great extent			To a limited extent		
	To good extent			Not at all		
	To some extent					

## ANNEXES

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## **ANNEX 1: PROCEDURAL INFORMATION**

### **1. LEAD DG, DeCIDE PLANNING/CWP REFERENCES**

- DG Justice and Consumers
- PLAN/2017/2022

### **2. ORGANISATION AND TIMING**

This evaluation has been steered by DG Justice and Consumers since November 2017 under the scrutiny of the Interservice Steering Group on European judicial training (ISG), which comprises representatives of DGs CNECT, COMP, DEVOC, DGT, EAC, EMPL, ENV, FPI, GROW, HOME, HR, NEAR, OLAF, SANTE, SG, SJ and TAXUD, of the executive agencies EACAE and ERCEA and of the European External Action Service.

The ISG was consulted at each stage of the evaluation process and reviewed each deliverable produced by the contractors and this staff working document (SWD). The consultations took place on:

- 21 November 2017, by email, regarding the draft intervention logic of the strategy, the draft consultation strategy and the draft consultation for the open public consultation;
- 11 December 2017, by email, regarding the amended consultation strategy, the amended questionnaire for the open public consultation, the draft questionnaire for the targeted consultation and the draft privacy statement accompanying both questionnaires;
- 20 February 2018, by email, regarding the draft terms of reference for an external evaluation study together with its annexes: evaluation roadmap, evaluation design, open public consultation questionnaire and targeted consultation questionnaire;
- 1 June 2018, by meeting, regarding the draft inception report of the external contractor;
- 12 September 2018, by meeting, regarding the draft final report of the external contractor;
- 8 May 2019, by meeting, regarding this draft staff working document.

### **3. EXCEPTIONS TO THE BETTER REGULATION GUIDELINES**

- None.

### **4. EVIDENCE, SOURCES AND QUALITY**

The SWD was developed in line with the Evaluation Roadmap published in November 2017<sup>210</sup>, to which 2 feedbacks were received.

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<sup>210</sup> [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5430278\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5430278_en)

The consultation strategy planned for the following sources of evidence to feed into the evaluation:

- Literature review,
- 572 replies to the open public consultation and 28 position papers,
- 87 replies to the targeted consultation and 8 position papers,
- 45 face-to-face interviews with key stakeholders in 10 EU Member States and 43 phone interviews in 18 EU Member States,
- 3 phone interviews with the judicial schools of Albania, Montenegro and Serbia,
- 14 phone and face-to-face interviews at EU level (Commission staff, MEPs, EU-level training providers, EU-level association of justice professionals),
- Data provided by the national and EU training providers of judges, prosecutors, court staff, lawyers, notaries, bailiffs and mediators in reply to the annual DG JUST data collection exercise for publication of the report on European judicial training, from 2011 until 2017,
- A conference of stakeholders organised by the European Commission on 18-19 June 2018,
- A validation workshop on preliminary findings with 6 EU-level stakeholders on 31 July 2018.

Section 4 of the staff working document addresses the data robustness issues.

DG Justice and Consumers organised two meetings of the thematic Expert Group on European judicial training<sup>211</sup>, which comprises experts of training of justice professionals representing the different professions and legal traditions of the EU. The meeting of December 2017 took place at the start of the open public and targeted consultations and sought the experts' feedback on the consultations' questions<sup>212</sup>. The meeting of May 2018 took place after the consultations and discussed the validity and relevance of the replies to the consultations<sup>213</sup>. The Expert Group was also consulted by email on the draft Staff working document in April 2019.

DG Justice and Consumers contracted an external contractor (Deloitte) to carry out an evaluation study, under the supervision of the Interservice Steering Group on European judicial training (ISG). The contractor carried out all the requested tasks: reviewing the intervention logic of the European judicial training strategy, creating statistics graphs from the replies to the open public and targeted consultations conducted by the European Commission, carrying out the evaluation to provide evidence-based responses to the evaluation questions regarding the implementation of 2011 strategy and proposing recommendations (as the Deloitte summary of the replies to the consultation questionnaires was deemed not accurate enough, DG Justice and Consumers also used the DORIS European Commission analysis tool to redraft the summaries of the replies to the consultation).

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<sup>211</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=224>

<sup>212</sup> Minutes are available here:

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeeting&meetingId=1947>

<sup>213</sup> Minutes are available here:

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeeting&meetingId=5010>.

The ISG requested some changes to the contractor's inception report, namely the originally planned online focus group for lawyers was replaced by additional interviews with the secretariat of the Human rights Education for Legal Professionals Programme (HELP), with judicial training bodies of some candidate countries: Albania, Montenegro and Serbia and with DG NEAR staff responsible for the funding programmes relevant for judicial training in third countries. The ISG made minor suggestions to improve the intervention logic, the evaluation matrix and the stakeholder mapping and to include a comparison with other training strategies, such as the Law Enforcement Training Scheme (LETS). The ISG also emphasised that a clear distinction should be made between the strategy itself and how it was financed (the scope of the strategy is broader than the financing provided by the European Commission and the evaluation scope reflected this). The ISG took note that the neighbourhood countries would not be covered by the study but would be mentioned in this staff working document, to the extent that they be concerned by the strategy. To ensure the best possible quality of the study, and in view of the extension of the schedule provided by DG Justice and Consumers to finalise this evaluation, the ISG asked the contractor to resubmit its draft final report. The intervention logic was further refined by the ISG for the benefit of this staff working document, to ensure that it be better aligned with the strategy itself. The contractor finalised the external evaluation study (resubmitted final report) on 22 March 2019.



## ANNEX 2: STAKEHOLDER CONSULTATION

### 1. CONSULTATION STRATEGY: OBJECTIVES, STAKEHOLDERS, CONSULTATION METHODS AND TOOLS

#### 1.1. Objectives

The purpose of the consultation carried out from November 2017 until July 2018 was to assess to which extent the strategy adopted by the Commission in 2011<sup>214</sup>, which set objectives for the training of justice professionals to be reached by 2020, was successful, what were the drawbacks and if the current strategy was still fit for nowadays' challenges.

The analysis was conducted against the following evaluation criteria: effectiveness, efficiency, relevance, coherence, EU added value, sustainability. The assessment of the EU financial support to European judicial training covered the financial years from 2011 to 2017 included. The evaluation covered all Member States, candidate countries, and potential candidates as well as neighbourhood countries.

#### 1.2. Identified stakeholders

The consultation aimed at obtaining input from all possibly interested stakeholders, in particular:

- The justice professionals;
- The training providers for justice professionals, at EU and at national level;
- The organisations or associations representing justice professions, at EU and at national level;
- The EU institutions;
- The national authorities (judicial authorities, governments, ministries, regional authorities...);
- International or intergovernmental organisations;
- EU platforms, networks or associations of justice professionals;
- Universities, law faculties, research institutes, publishing companies.

#### 1.3. Consultation methods and tools

In order to ensure a wide consultation of all possible stakeholders, **several complementary formats and tools** were used:

- A public consultation, based on an online general questionnaire;
- A targeted consultation, based on an online specific questionnaire;

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<sup>214</sup> 2011 Commission Communication 'Building trust in EU-wide justice — A new dimension to European judicial training': <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0551>.

- Meetings of the Expert Group on European judicial training;
- Conference of stakeholders;
- Interviews of the main stakeholders and a validation workshop conducted by the external contractor - Deloitte.

## 2. CONSULTATION ACTIVITIES

The consultation activities included:

- Publication of the Evaluation and Fitness Check **Roadmap**<sup>215</sup>;
- A **public consultation**, based on an online general questionnaire in English, French and German, to which contributions could be made in any of the official EU languages. A **targeted consultation**, based on a questionnaire in English, complemented the public consultation. The contributions are available on the European Commission's consultation webpage<sup>216</sup>.
- **Two meetings of the Expert Group on European judicial training**: at the start<sup>217</sup> and after the consultation<sup>218</sup>;
- **The conference "Shaping the future of judicial training. Fit for 21<sup>st</sup> century justice"**, which gathered the main stakeholders, wrapped up the consultation and enabled discussing the results;
- Interviews of the main stakeholders and a **validation workshop** conducted by the external contractor – Deloitte.

## 3. RESPONDENT STAKEHOLDERS

For the **general** consultation, 572 replies were received, 2/3 of them from people replying in their professional capacity/on behalf of an organisation.

The respondents were mainly justice professionals, from a variety of professional areas at a national, regional or local level, and/or representatives of consultancies/ law firms, trainers, NGOs, ministries, European level bodies representing a specific justice profession and a handful of citizens.

The main justice professions represented by the respondents who replied to this consultation were: judges (42.8%); court staff (14.3%); lawyers (12%) and prosecutors (11%). Other professions also represented, though to a lower degree, included: prison management and staff, bailiff or enforcement officers, mediators, legal translators or interpreters, probation officers, insolvency practitioners and court experts.

As for the geographical coverage, the replies originated from almost all the other EU Member States, except Denmark, Malta and Slovakia. Germany (29.9%) and Italy (19.7%) were the most active.

<sup>215</sup> The feedback received on the roadmap is available at: [https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5430278\\_en](https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5430278_en).

<sup>216</sup> [https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation\\_en](https://ec.europa.eu/info/consultations/training-justice-professionals-eu-law-evaluation_en)

<sup>217</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeeting&meetingId=1947>

<sup>218</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeeting&meetingId=5010>

**The targeted consultation** addressed specialists in training of justice professionals on EU law in the EU. Most major EU-level actors replied to it: the EJTN, the CCBE, the Council of Europe (HELP programme), ERA, EIPA-Luxembourg and the European Union Intellectual Property Office – EUIPO.

In total, 87 replies to the targeted consultation were received. 2/3 replied in their professional capacity/on behalf of an organisation and the others replied in their personal capacity. Almost half of the respondents were justice professionals. National-level training structures and ministries or national public bodies represented 1/3 of the respondents. The rest were individual trainers, EU level, regional or local training providers or bodies representing a specific justice profession. The vast majority of the respondents, which replied to this consultation, were non-profit organisations (90.9%).

Among the respondents, the representation of justice professions included: judges (45%); prosecutors (32%); court staff (25%); lawyers (14%); bailiff or enforcement officers (9%); prison management and staff (9%). Other represented professions were notaries, probation officers, mediators, insolvency practitioners, legal translators or interpreters and court experts replied in smaller percentages. Seven respondents belong to “other” professions.

Replies came from all the EU Member States, except for Denmark, Malta, Poland, Slovakia and Slovenia. The main contributors were Spain (1/5), Italy, France, Germany and Ireland. Two replies also came from the Republic of Moldova.

The respondents for both questionnaires were active in all areas of law: criminal, administrative, civil and fundamental rights.

The **members of the thematic Expert Group on European judicial training**<sup>219</sup> were nominated in their personal capacity for their proven competence and experience in training legal practitioners in European law. As a group, they represent all legal professions and EU legal traditions; they represent experience from smaller and bigger training providers; and they ensure geographical and gender balance.

**The conference** gathered representatives of EU-level organisations and networks<sup>220</sup>, including some of their national members, and national authorities thus covering training of all legal professions in the EU and in some Western Balkans countries.

Representatives of the main stakeholders were interviewed by the external contractor and attended the **validation workshop**.

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<sup>219</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2241>

<sup>220</sup> EJTN, CCBE, CNUE, ERA, EIPA-Luxembourg, European University Institute (EUI), ENCJ, ACA-EUROPE, Network of the Presidents of Supreme Judicial Courts in the EU, Help/ CoE, EPTA, UEHJ/CEHJ, EUROPris, CEP, representatives of the European Parliament and the Court of Justice of the EU and agencies (FRA, EASO Director and EU liaison officer, CEPOL, EUIPO, EPO).

#### 4. METHODOLOGY AND TOOLS USED TO PROCESS THE DATA

The Commission assessed the results of the public consultation using DORIS. The external contractor also analysed them and produced statistics graphs.

The Expert Group on European judicial training discussed these results and validated them while the conference '**Shaping the future of judicial training. Fit for 21<sup>st</sup> century justice**' endorsed them.

#### 5. FEEDBACK ON THE ROADMAP

A feedback expressed concerns that the application of EU law is endangered by the attitude of some judges who address cases involving EU law issues as domestic ones, without considering the applicability of EU law.

Further concerns were expressed regarding lawyers lagging behind in their knowledge of EU law and other legal professionals, which should be targeted in future (i.e. prison officers).

One respondent considered how the enforcement of EU law can be endangered if the rule of law and the independence of the judiciary are not respected and concluded that the training has to provide the necessary tools to prevent such scenario. In the same line, the insufficient acknowledgement of the role and 'acquis' of the Council of Europe in judicial training on European human rights standards was pointed out.

#### 6. RESULTS OF EACH CONSULTATION ACTIVITY.

##### 6.1. Training activities on EU law

The results of the public consultation, confirmed during the Expert Group meetings and Conference, showed that the **best suited types of training activities on EU law** are **interactive learning methods** (workshops, seminars, round tables, debates) as well as **exchanges between practitioners**. For some professions such as notaries, classical methods are still predominant. The need of having exchanges for the court staff and for other professions was underlined.

There is a consensus that a combination of both face-to-face and e-learning are needed. In the context of EU calls for proposals for action grants, the Expert Group concluded that the preferences for one type of training or the other should be assessed on a case by case basis. The consultation revealed different perceptions on the potential of e-learning and its sustainability, varying depending on generation and professions. For some it can be considered as a solution for lack of time, for others it's not the appropriate training to answer the objective of mutual trust notably. Interactivity seems to be the key issue to address.

The quality of the speakers, interactivity with the speakers and between the participants, the distributed material and the size of the group were the major **criteria identified by respondents to assess quality**. The quality and the relevance of the training offer, in

particular the content and its practice orientation seem the main factors for **an increased participation of justice professionals in training activities on EU law in a cross-border setting**. The quality of the speakers, the methodologies used, the accessibility of the training offer in terms of time and budget, the promotion of training offers and the language were also mentioned.

The Expert Group and the conference confirmed that training in 2018 should be regarded as an investment, as part of modern management and the activities should be more practical and needs orientated.

As for **factors to increase the training offer on EU law**, respondents most frequently mentioned EU financial support. As for the **support to the integration of EU law into training activities on national topics**, the increased awareness of the need for training on EU law among stakeholders responsible for training offer and a better understanding of the relevance of EU law for the daily practice of justice professionals across the EU were recalled.

## **6.2. Scope of the European judicial training**

**The majority** of respondents who replied to this question considered that **the strategy still addresses the current training needs**.

Regarding the **strengths** of the strategy, the respondents welcomed the goal to train half of the EU's justice professionals by 2020, as necessary and realistic, and the flexibility of the strategy, able to encompass emerging needs (e.g. enhanced training on data protection, asylum, labour rights, etc.). The target audiences, training contents and training methodologies referred to in the strategy were considered useful.

The participants in the conference of stakeholders and the experts agreed that EU support is essential to provide a European dimension. It enables the promotion of the European culture among practitioners. Notaries declared that the strategy opened the opportunity for training on relevant topics of EU law.

As for the areas for improvement, the replies mentioned the types of training (e.g. increased use of e-learning), the content (e.g. judgecraft, human rights, rule of law, languages and case management), the target groups (e.g. court staff) and increase of the financial means available to support and implement the strategy. Regarding court staff, many improvements were suggested, including the idea that the EJTN should expand its activities and develop a new strategy in order to design and implement training activities to address them.

As a factor of improvement, the Expert Group agreed on the need to increase visibility of the strategy and to anchor it at national level by convincing decision-makers of the importance of training of justice practitioners, with relevant support from the Commission. The experts showed concerns about the long-lasting effects of the EU-funded projects and stressed the need that these effects should be monitored and that qualitative materials should be easily accessible.

A large majority of respondents considered that, in the future, the strategy should set new **objectives**, which should be both quantitative and qualitative and differentiated per justice profession, in accordance with their different needs, depending on the degree of complexity and the area of law that the justice profession deals with. The Expert Group advanced the idea of having **common objectives with sub-specific objectives for different target** audiences and topics.

The same large majority thought that the strategy should also focus beyond the European Union on other countries, namely on the countries that wish to join the EU and possibly other neighbourhood countries. The extension to candidate countries was broadly shared by the experts and participants to the conference, though more scepticism was shown for neighbourhood countries. Some caution was expressed in terms of budget, as the Justice Programme should primarily address EU Member States.

### **6.3. Results of the strategy**

The replies showed that the strategy was successful in meeting its objectives at more than 50%. Some results were more tangible than others. The following results were perceived by more than 2/3 of the respondents as the most successful ones:

- increasing the number of participants in the exchanges of both experienced and new judges and prosecutors, in EU (co-funded) training activities on EU law;
- the European Commission increasing its financial support to the EJTN and to European judicial training in general;
- Member States reinforcing the financial contribution to their national judicial training structures in the EJTN;
- improving the quality of training activities on EU law;
- supporting training on legal terminology of foreign languages; drafting guidelines on training methodologies;
- national judicial training structures reinforcing their participation in the EJTN;
- EU financial support to high-quality projects;
- encouraging consortia or regional groups of national judicial schools to develop common training.

Other results were perceived by more than a half of respondents as successful:

- developing the European e-Justice Portal to support European judicial training;
- training on EU law being integrated into the initial training of legal practitioners;
- recognition of training activities attended abroad for national training obligations;
- the development of e-learning; annual gatherings to promote best practice;
- targeting all legal practitioners and encouraging public-private partnerships.

About two thirds of respondents considered that the strategy and its implementation brought added value, over and above what could reasonably have been expected from national interventions which it complemented, having a lasting effect on the justice professionals who took part in EU law training and their attitude towards EU law in their daily practice.

**As factor of progress linked to the strategy**, the influence of networking and cooperation between all stakeholders and between Member States, including the regular

exchanges between the European Commission and the stakeholders was essential. The financial support provided by the EU constituted also a crucial factor on top of flexibility and simplification of the administrative burden. The role of the EU, as a policy actor and vector of common values, the functions of the strategy as providing a solid ground for long-term planning, sustainability and advocacy for judicial training at both EU and national level were also mentioned, as well as raising the awareness of the relevance of EU law to court staff and bailiffs.

**The first and foremost drawback in the implementation of the strategy** was that justice professionals did not have time to take part in training. Other drawbacks were:

- insufficient budget ,
- justice professionals were not replaced when they took part in training;
- training did not count as working time;
- lack of approval from the hierarchy to take part in training; and
- EU law was not systematically included in national law training as intended by the strategy.

As for the **main benefits** of the strategy, almost one third of the respondents referred to the improved quality of legal decisions and stronger integration of EU law in practice. Some others stated that it created the basis for long-term planning of the individual Member States in this area.

#### **6.4. Means and actors of the strategy**

When asked **how they fulfil their training needs**, respondents answered that they mainly trained themselves on EU law via the internet, through interaction with colleagues, with face-to-face or online training and using library. Almost two thirds of them were **informed about good practices** on EU law that could be applicable to their work and half of them about the **training offers** on EU law available in other Member States, mainly by internet or intranet. Other sources of information were EU law court coordinators, newsletters, meetings, training, and information from public authorities.

Half of the respondents interacted **with training providers from other Member States**, mainly on training topics, on participation in a common EU-funded cross-border training project, on best training practices and on training needs, mostly via email, but also during meetings of the network they belong to and during bilateral face-to-face meetings.

The vast majority of respondents considered that **cooperation at EU level between the training providers** was important and that **EU-level networks of training providers** were useful. One of the strongest points emerging was the benefit of sharing knowledge, best practice and lessons learned, which helps create better training programmes and strengthen standardisation of EU professional training.

The **usefulness of EU-level networks of training providers** was praised, with the particular achievements of the EJTN mentioned several times. The CCBE indicated that the cooperation between lawyers' training providers should be encouraged. The idea of having a directory of institutions and officials responsible for the training of prison and

probation staff, by strengthening EPTA and exploring the possibilities under CEP to create a network for the probation staff was recalled. EJTN and several of its members suggested promoting the creation of new national networks of EU law experts and supporting the existing ones. Most of the respondents also thought that **national thematic networks of justice professionals** are useful.

The vast majority of respondents considered that **discussions between justice professionals of different Member States** were helpful to raise awareness of the importance of EU law in daily practice and that training activities with participants from different Member States trigger mutual trust and the feeling of belonging to a common European judicial community.

**An overwhelming majority of respondents considered that the EU should support training of justice professionals on EU law, first and foremost via financial support, and that these funds were not sufficient for the current training needs on EU law of the justice professions.**

Half of the respondents, the experts and most of the participants to the Conference indicated that there were **elements of EU financial support to European judicial training that could be simplified or otherwise improved**, such as bureaucracy, the application procedures for action grants, the reporting process, the requirements on the budget for a project and the reimbursement process.

Half of the respondents had already **taken part in applying for EU (co)funded projects**. The ones that didn't take part indicated that it was too complicated to answer an EU call for proposals, their organisation was too small or didn't know of any EU (co)funding possibilities.

The other possible **measures of support** mentioned were: promoting training methodologies, fostering cooperation among training providers at EU level, providing guidelines or handbooks on specific topics of EU legislation, improving the training section of the European e-Justice Portal and raising the awareness of the relevant stakeholders.

As for the **promotion of the quality of EU (co)funded projects**, the recommendations regarded monitoring and evaluation; funding; increased cooperation and re-training needs assessments and post training evaluation.

**Only 7 respondents replied to the question on the usefulness of public-private partnerships** and they **didn't know of any public-private partnership in the field of European judicial training**. In the Expert Group it was broadly agreed that the concept of public-private partnership is not suitable for judicial training though collaboration between public and private sector can work in other terms.

Half of the respondents thought that the **European e-Justice Portal had been useful in supporting the strategy** and that its **training section should be further developed**. The CCBE requested the European Training Platform tool to be inserted in the Portal.



Most of respondents thought that **the EU should help develop more technological support for European judicial training activities.**

#### **6.5. Monitoring any other feedback**

Though the need to monitor and include quantitative objectives to measure progress of the strategy is confirmed, opinions are varied.

A relative majority thought that the **strategy's process for reporting and monitoring had been timely and efficient**, but many didn't know (44.3%). Difficulties were highlighted in providing data for the annual reports because the questions did not always match with the national context. The CCBE underlined that the number of trained lawyers in some countries does not correspond to reality since there is no unified system for the collection of statistics on this issue.

Nevertheless, more than half of the respondents indicated that **there should be a yearly monitoring system to follow the implementation of the strategy.**

Several respondents suggested having both **quantitative and qualitative indicators.**

The **quantitative** indicators mentioned were: the number of training activities organised on EU law, the number of participants in training activities organised on EU law, the number of EU law topics discussed within the framework of training activities organised and the number of practitioners willing to participate.

As **qualitative** indicators, respondents refer to the evaluation of the training activities by those who have participated in them and the measure of the impact of training on the daily practice of the participant several months after participation in the activity. Other indicators were also suggested, such as the methodology used in training, the trainers' (practice-oriented) performance, the quality of the training materials and resources used, the types of certification and the use of native speakers in language activities.

As for the Expert Group and the conference, no one questioned the need to monitor and report as such. In general, participants agreed on the need to include qualitative elements, particularly for the EU-funded projects. Some experts called for a reporting mechanism every two years to alleviate the burden it represents and allow witnessing the improvement.

There was a plea for having a common evaluation form for EU-funded projects, so that data can easily be collected and integrated into statistics.

Though agreeing on the difficulty to go beyond the Kirkpatrick level 1 and 2, some experts also raised the need to measure the impact of training after completion.

### **ANNEX 3: EVALUATION CRITERIA AND QUESTIONS**

This annex presents the evaluation criteria and evaluation questions answered by this staff working document.

#### **What is the baseline and current situation?**

What is the baseline against which the implementation of the strategy should be assessed? What is the origin of the European judicial training strategy?

What is the current situation for the different main stakeholders? What types of training activities are being held? Which areas of law do training activities focus on? Which problems have been encountered related to (a) the implementation and (b) the application of the European judicial training strategy?

#### **Evaluation criterion 1: effectiveness (the extent to which the European judicial training strategy has been successful in achieving its objectives)**

To what extent has the European judicial training strategy been successful in achieving its operational objectives? Has the strategy been more effective at achieving some objectives than others? Has the strategy been more effective at targeting training on some areas of law than others? To what extent has the European judicial training strategy been successful in achieving its specific objectives? To what extent has the European judicial training strategy been successful in achieving its general objectives?

#### **Evaluation criterion 2: efficiency (the costs and benefits associated with the implementation of the European judicial training strategy and whether they are proportionate)**

What are the costs and benefits associated with the implementation of the European judicial training strategy? Are the costs and benefits associated with the implementation of the European judicial training strategy proportionate? To what extent are the costs associated with the strategy justified, given the effects it has achieved? How proportionate were the costs of the implementation of the strategy by different stakeholders groups, taking into account the distribution of associated benefits?

What factors influenced the efficiency with which the observed achievements were attained? What is the potential to reduce inefficiencies and simplify the strategy at both EU and national level? How efficient is the governance structure of the strategy? How timely is the strategy's process for reporting and monitoring? How efficient is the strategy's process for reporting and monitoring?

Are the funds associated with the implementation of the current strategy sufficient for the current training needs and problems of the justice professions? At EU level? At national level?

**Evaluation criterion 3: relevance (the extent to which the European judicial training strategy still addresses current training needs and problems of the justice professions)**

What are the practice needs of justice professionals? Have they evolved over time? If so, how? To what extent do the objectives of the European judicial training strategy still address current training needs of the justice professions within the EU? How relevant is the strategy to the different stakeholders, including EU citizens? Is the geographical coverage of the strategy adequate in relation to the objectives?

**Evaluation criterion 4: coherence (to what extent have the elements of the European judicial training strategy worked well together between themselves and with other EU policies and interventions)**

To what extent is the strategy coherent internally i.e. to what extent have the elements of the European judicial training strategy worked well together and between themselves? To what extent is the strategy coherent externally with other EU interventions relating to application of EU law? Is the strategy complementary to national judicial training policies? What external factors and policy developments at national and EU level, directly and indirectly linked to the European judicial training strategy, have most influenced progress?

**Evaluation criterion 5: EU added value (the added value delivered by the European judicial training strategy and its implementation, over and above what could reasonably have been expected from national interventions in the Member States)**

What is the added value delivered by the European judicial training strategy and its implementation, over and above what could reasonably have been expected from national interventions in the Member States alone? Are there clear benefits from EU level action?

What would be the most likely consequences of withdrawing the strategy?

**Evaluation criterion 6: sustainability: the extent to which the implementation of the strategy has a lasting effect on the direct beneficiaries and other main stakeholders.**

To which extent has the implementation of the strategy a lasting effect on the direct beneficiaries and other main stakeholders? What are the existing factors or potential factors that might be linked with sustainability?

## ANNEX 4: ANALYTICAL METHODS

This annex provides a description of the methodological approach to the evaluation by summarising the methodological approach of the external evaluation study, the use of descriptive statistics and the further refinement of the intervention logic.

### 1. METHODOLOGICAL APPROACH OF THE EXTERNAL EVALUATION STUDY

The external contractor carried out its work in 3 phases: inception, data collection and final analysis and reporting<sup>221</sup>. Each phase is described below.

The **inception phase** comprised the kick-off meeting, the gathering of information and the elaboration of the methodological approach, the drafting of interview guides for use in fieldwork and phone interviews, the inception report meeting and the inception report. It also included the preparation of the statistical graphs to represent the replies to the open public consultation and to the targeted consultation. Following the kick-off meeting, the contractor adjusted the methodology and the methodological tools, namely the intervention logic and the evaluation matrix.

The European judicial training strategy's intervention logic helps visualise the causality between the relevant activities and their expected effect. In other words, it shows how the strategy's various inputs and activities inter-relate and ultimately lead to the achievement of higher-level objectives. The relationships depicted in the intervention logic also provided a framework for the evaluation.

The evaluation matrix<sup>222</sup> is the logical link between the study objectives and the actual analysis, as it operationalises the research questions to be considered in the assignment by connecting it with judgment criteria and indicators. The evaluation matrix furthermore links these, in a systematic and structured way, with the appropriate data sources and hence it drove the data collection process all along the study – to ensure that all data necessary is collected and can be used to produce evidence-based conclusions and recommendations.

The **data collection phase** comprised the data collection, the interim report meeting and the interim report. The contractor collected the relevant qualitative and quantitative data and used the following tools:

- Desk research and literature review<sup>223</sup>, including DG Justice and Consumers' annual reports on European judicial training, reports from the funding programmes, studies of the pilot project on European judicial training, raw data collected for the annual reports, minutes of the meetings of the Expert Group on European judicial training, minutes of meetings of the interservice group on European judicial training, the training section of the European e-Justice Portal,

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<sup>221</sup> Deloitte. Inception report.

<sup>222</sup> Deloitte. Final report. Annex D, page 176.

<sup>223</sup> Deloitte. Inception report. Annex D. Page 127.

literature shared by the interviewed stakeholders, position papers uploaded by respondents to the open public consultation and to the targeted consultation;

- Strategic interviews in the form of phone and face-to-face interviews at EU level: Commission staff, EU-level training providers, EU-level association of justice professionals (14 interviews);
- Replies to the open public consultation and targeted survey;
- Attendance at relevant meetings: meeting of the Expert Group on European judicial training on 30 May 2018, conference on Shaping the future of European judicial training on 18-19 June 2018;
- Fieldwork, i.e. face-to-face interviews in 10 Member States of representatives of authorities in charge of training of legal professionals (ministry or council of the judiciary), representatives of associations of legal professions, national (public and private) training institutions (45 interviews);
- Phone interviews in 18 Member States of representatives of authorities in charge of training of legal professionals (ministry or council of the judiciary), representatives of associations of legal professions, national (public and private) training institutions (43 interviews);
- Phone interviews with EJTN observer members in Serbia, Albania and Montenegro (one in each country).

The contractor checked the qualitative and quantitative information collected against the indicators contained in the evaluation matrix to ensure that all the evaluation questions were addressed correctly. The contractor compared the data collected to the data needed to answer the research questions and identify any gaps.

The **final analysis and reporting phase** comprised the final report meeting, two draft final reports and the final report. During the analysis, the contractor triangulated the data collected in order to channel, combine and cross-validate findings and arguments from several sources. It sought to answer the evaluation questions and organised a validation workshop to discuss the preliminary findings of the analysis with the Commission and with 6 EU-level stakeholders. A process of final analysis and judgment took place to produce the final report including the contractor's conclusions and recommendations.

## **2. DESCRIPTIVE STATISTICS**

The main data analysis method used was descriptive statistics - in particular to analyse the stakeholder consultation's responses (using *inter alia* the DORIS tool of the European Commission). Limitations include of course the fact that these stakeholder consultations do not provide statistically significant results.

## **3. LIMITATIONS REGARDING DATA**

As mentioned in Section 4 of this staff working document, the first limitation is that whilst some data are fully available, for others the information has been difficult to gather.

Some further accuracy issues hamper the annual judicial training reports of DG Justice and Consumers. E.g. almost no “other stakeholders” (such as private training providers) report to the Commission on the training activities they deliver. The concept of training on EU law still raises some issues as some stakeholders only took into account training activities exclusively dealing with EU law, while others included all types of training activities as long as they had an EU law dimension (despite the clear definition provided in the data collection questionnaire that all types of training activities should be included as long as they have an EU law dimension)<sup>224</sup>. Some discrepancies were also identified between the total number of legal practitioners trained provided in the reports and the raw data of the Commission. This is because in 2011, EU-funded participants to training activities were included in the total figure presented in the report and not subsequently; in 2013, the annual raw data comprised some formulas mistakes, leaving some countries out of the total number of legal practitioners trained. The level of granularity of the data (i.e. type of training, topic addressed, duration) used to prepare the reports has also been a limiting factor: there is no data available, either at EU level or in EU Member States, on the individual training activities delivered each year, or the exact topic targeted by these (only a general overview on the law areas is provided). The countries which use the European Social Fund to support judicial training report on the number of participants trained thanks to the fund - which are then included in the Commission's annual reports; but the information about the types of activities, the topics covered and the budgets allocated are more difficult to collect. Also, for technical reasons, the stakeholders do not always know the exact number of participants in e-learning activities – limiting also the level of details of some findings.

#### **4. FURTHER REFINEMENT OF THE INTERVENTION LOGIC**

For the purpose of this staff working document, the European Commission further refined the intervention logic<sup>225</sup> that had been redrafted by the contractor<sup>226</sup>, so that its wording would better reflect the exact content of the 2011 Communication "Building trust in EU wide justice - A new dimension to European judicial training"<sup>227</sup>.

The specific objective 3 was reworded as follows: “Citizens and businesses benefit from their EU law rights everywhere in the EU”.

The operational objectives were divided into 8 clearer separate objectives: 1. Increase the number of judicial training activities, including judicial exchanges; 2. Increase the number of overall / co-funded beneficiaries of training sessions and exchanges, incl. via e-learning; 3. Channel more financial support to judicial training; 4. Improve the reach of training activities by targeting all groups of legal practitioners and covering all EU

<sup>224</sup> When compiling the figures, the Commission has taken account of respondents' statements that EU law had been covered in the training of all trainees or in all training activities, where these were accompanied by information on the length of time devoted to EU law or on the topics covered.

<sup>225</sup> [Figure 1 — the European judicial training strategy's intervention logic](#), p. 8 of this document.

<sup>226</sup> Deloitte. Final report. Figure 2, page 25.

<sup>227</sup> COM(2011) 551 final.

Member States and candidate countries; 5. Improve national training programmes and regulations, e.g. by integrating EU law into national initial training, ensuring mutual recognition of training attended abroad; 6. Improve the capacity of training providers, e.g. by strengthening the EJTN as well as encouraging consortia and PPPs; 7. Improve the quality of training activities on EU law, e.g. by developing the European e-Justice Portal as support, drafting guidelines on methodologies, sharing of best practice; 8. Support training on legal terminology of foreign languages.

The inputs were clarified into 5 different inputs: 1. EU governance; 2. National implementation; 3. EU financial programmes; 4. National funding; 5. Private funding.

The expected outputs were reformulated into 8 different outputs, to reflect the 8 operational objectives: 1. Increased number of judicial training activities at national and EU level, 1,200 EJTN exchanges/year; 2. By 2020, half of all EU legal practitioners to have taken part in at least one European judicial training activity, including e-learning; 20 000 participants per year supported by EU financing; New judges and prosecutors benefiting from an exchange programme; All legal practitioners benefiting from at least one week's training on EU law during their career; 3. Increased share of financial support devoted to judicial training; 4. Enlarged reach: more professions of legal practitioners receiving training on EU law; wider geographical reach; 5. Improved national regulatory framework: EU law included in initial training, mutual recognition of training; 6. Strengthened EJTN; New partnerships, including PPPs; Increased capacity of training providers; 7. Improved quality of training activities; published guidelines on methodology and evaluation; improved Portal training section; 8. Increased support to training on legal terminology of foreign languages.

The third expected result now reads: Better enforcement of rights for citizens and businesses in the EU.

## ANNEX 5 FUNDING DEDICATED TO JUDICIAL TRAINING

**Table 5. Overview of the main EU funding towards European judicial training**

Funding per year in Million Euro (2011-2017)		(Civil and criminal) Justice programme	Rights, Equality and Citizenship programme	Erasmus + / Jean Monnet programme	Hercule III programme	LIFE programme	Grand total
<b>2011</b>	AG <sup>228</sup>	3.7 €	0.5 €	- €	0.7 €	- €	4.8 €
	OG <sup>229</sup>	5.5 €	- €	1.8 €	- €	- €	7.3 €
	Proc.	0.7 €	1.4 €		- €	0.2 €	2.3 €
	<b>TOTAL</b>	9.9 €	1.9 €	1.8 €	0.7 €	0.2 €	14.5 €
<b>2012</b>	AG	3.9 €	0.5 €	- €	0.3 €	- €	4.6 €
	OG	6.1 €	- €	2.6 €	- €	- €	8.7 €
	Proc.	0.4 €	1.4 €		- €	0.2 €	1.9 €
	<b>TOTAL</b>	10.3 €	1.8 €	2.6 €	0.3 €	0.2 €	15.2 €
<b>2013</b>	AG	4.6 €	6.1 €	- €	1.7 €	- €	12.4 €
	OG	6.5 €	- €	2.6 €	- €	- €	9.2 €
	Proc.	- €	2.0 €		- €	0.2 €	2.2 €
	<b>TOTAL</b>	11.1 €	8.1 €	2.6 €	1.7 €	0.2 €	23.7 €
<b>2014</b>	AG	7.4 €	3.1 €	- €	0.6 €	- €	11.1 €
	OG	7.3 €	- €	2.7 €	- €	- €	10.0 €
	Proc.	0.6 €	0.9 €		- €	0.3 €	1.7 €
	<b>TOTAL</b>	15.3 €	4.0 €	2.7 €	0.6 €	0.3 €	22.8 €
<b>2015</b>	AG	10.0 €	3.0 €	- €	0.3 €	- €	13.4 €
	OG	7.9 €	- €	2.7 €	- €	- €	10.6 €
	Proc.	- €	1.5 €	- €	- €	0.3 €	1.7 €
	<b>TOTAL</b>	17.9 €	4.5 €	2.7 €	0.3 €	0.3 €	25.7 €
<b>2016</b>	AG	12.8	1.4 €	- €	0.8 €	- €	15.0 €
	OG	8.8	- €	2.7 €	- €	- €	11.5 €
	Proc.	- €	2.1 €	- €	- €	0.3 €	2.4 €
	<b>TOTAL</b>	21.6 €	3.5 €	2.7 €	0.8 €	0.3 €	28.9
<b>2017</b>	AG	11.8 €	0.7 €	- €	0.1 €	- €	12.6 €
	OG	9.5 €	- €	2.7 €	- €	- €	12.2 €
	Proc.	0.8 €	1.4 €	- €	- €	0.3 €	2.4 €
	<b>TOTAL</b>	22.1 €	2.1 €	2.7 €	0.1 €	0.3 €	27.3 €
<b>TOTAL</b>	AG	54.2 €	15.3 €	- €	4.5 €	- €	74.0 €
	OG	51.6 €	- €	17.8 €	- €	- €	69.4 €
	Proc.	2.4 €	10.6 €	- €	- €	1.7 €	14.7 €
	<b>TOTAL</b>	108.2 €	25.9 €	17.8 €	4.5 €	1.7 €	158.1€
<b>Share</b>	AG	50%	59%	0%	100%	0%	
	OG	48%	0%	100%	0%	0%	
	Proc.	2%	41%	0%	0%	100%	

<sup>228</sup> Action grants.

<sup>229</sup> Operating grants.



**Table 6. Contributions to training providers (2011 and 2017)**

Training provider	Source of funding	2011	2017	% of increase (2011-2017)
EJTN	Commission	€5 500 000	€9 500 000	72.7%
	Member States	€359 000	€396 900	10.6%
EIPA	Commission	€320 478	€587 670	83.4%
	Member States	€365 693	€498 340	36.3%
ERA	Commission	€4 464 000	€5 067 360	13.5%
	Member States	€2 115 000	N/D	
<b>Total</b>		<b>€13 124 171</b>	<b>€16 050 270</b>	<b>22.3%</b>

Source: Deloitte based on data provided by the Commission, DG JUST, and the relevant training providers.

**Table 7. EJTN funding and activities (2011-2017)**

	Criminal justice programme				Justice programme		
	2011	2012	2013	2014	2015	2016	2017
<b>EJTN's grant</b> (in € million)	<b>5.5</b>	<b>6.1</b>	<b>6.5</b>	<b>7.3</b>	<b>7.88</b>	<b>8.8</b>	<b>9.5</b>
Co-funding rate	93,9%	94,5%	95%	95%	95%	95,7%	96%
Implementation level	73.4%	83.1%	89.25%	93.5%	98.4%	94.5%	96.97%
<b>Number of participants</b> (Catalogue included) <sup>230</sup>	<b>2,671</b>	<b>3,336</b>	<b>3,882</b>	<b>4,256</b>	<b>5,032</b>	<b>5,556</b>	<b>6,317</b>
Number of participants (Catalogue excluded)	1,592	2,413	2,756	3,177	3,625	4,342	5,174
Number of training days (Catalogue excluded)	10,686	15,702	17,180	21,618	24,726	27,312	30,612
Number of persons served per staff (catalogue excluded)	121	175	162	182	201	217	259
Cost per training day (Catalogue excluded)	€436	€379	€357	€332	€330	€318	€313
Number of seminars (Catalogue excluded)	24	44	48	52	67	76	116
Number of exchanges	928	1,222	1,280	1,622	1,815	2,217	2,694

Source: EJTN data.

<sup>230</sup> EJTN's catalogue lists the national judicial training activities opened to participation of foreign participants sent by other EJTN members.

## **ANNEX 6 EXTERNAL EVALUATION SUPPORT STUDY**

The external study carried out by Deloitte is available at:

[https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices\\_en](https://ec.europa.eu/info/law/cross-border-cases/training-legal-practitioners-and-training-practices_en).

## ANNEX 7 GLOSSARY AND ABBREVIATIONS

### Glossary

<i>Term or acronym</i>	<i>Meaning or definition</i>
AEAJ	Association of European Administrative Judges
AECLJ	Association of European Competition Law Judges
ACA Europe	Association of the Council of State and Supreme Administrative Jurisdictions
Blended learning	Combining methods, techniques or resources, especially face-to-face and distance learning (including electronic resources), and applying them in an interactively meaningful learning environment. Learners should have easy access to different learning resources in order to apply the knowledge and skills they learn under the supervision and support of the teacher inside and outside the classroom.
CCBE	Council of Bars and Law Societies of Europe
CCEs	Court coordinators in European law
CEHJ	European Chamber of Judicial Officers
CEP	Confederation of European Probation
CEPEJ	European Commission For the Efficiency of Justice of the Council of Europe
CEPOL	European Union Agency for Law Enforcement Training
CJEU	Court of Justice of the European Union
CNUE	Notaries of Europe – Council of the Notariats of the European Union
CoE	Council of Europe
Continuous training	Every training activity after the initial training (as defined in this glossary) has ended.
DG COMP	The European Commission Directorate-General for Competition
DG EAC	Directorate-General for Education and Culture
DG EMPL	Directorate-General for Employment, Social Affairs

	and Inclusion
DG ENV	Directorate-General for the Environment
DG GROW	Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
DG HOME	Directorate-General for Migration and Home Affairs
DG JUST	Directorate-General for Justice and Consumers
E-learning	Learning supported by information and communication technologies
EALCJ	European Association of Labour Court Judges
EASO	European Asylum Support Office
ECBA	European Criminal Bar Association
EELA	European Employment Lawyers Association
EIPA-Luxembourg	European Centre for Judges and Lawyers of the European Institute of Public Administration, which is based in Luxembourg
EJTN	European Judicial Training Network
ELF	European Lawyers Foundation
ENCJ	European Network of Councils for the Judiciary
ENI SPCs	European Neighbourhood Instrument South Partner Countries
EP	European Parliament
EPO	European Patent Office
EPTA	European Network of Penitentiary Training Academies
ERA	Academy of European Law
ERDF	European Regional Development Fund
ESF	European Social Fund
ETP	European Training Platform
EU	European Union
EUI	European University Institute

EUIPO	European Intellectual Property Office
E.U.R.	European Union of Rechtspfleger <sup>231</sup>
EuroPris	European Organisation of Prison and Correctional Services
FRA	Fundamental Rights Agency
FTE	Full-time equivalent (arithmetic measure of staff numbers)
GEMME	European Association of Judges for Mediation
HELP	Human rights Education for Legal Professionals, training programme of the Council of Europe
Initial training	Post-university professional (not academic) training necessary for passing the last examination to enter the judicial career, or taking place before registration/appointment as fully qualified legal professional, or taking place just after registration/appointment as fully qualified legal professional as far as the training is part of the basic training common for the majority of professionals.
IPA	Instrument for Pre-Accession Assistance
ISG	Interservice Steering Group
LIFE	L'Instrument Financier pour l'Environnement (Financial instrument for the environment)
MFF	Multiannual Financial Framework
N/A	Not applicable
N/D	Data not available
OLAF	European Anti-Fraud Office
OPC / PC	Open public consultation
PPP	Public-private partnership
REC	Rights, Equality and Citizenship programme
TC	Targeted consultation
TFEU	Treaty on the Functioning of the European Union

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<sup>231</sup> High ranking judicial officials.

TTT	Train the trainer
UEHJ	European Union of Judicial Officers
UIHJ	International Union of Judicial Officers

### 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
CZ	Czechia	IE	Ireland	SE	Sweden
DE	Germany	IT	Italy	SI	Slovenia
DK	Denmark	LT	Lithuania	SK	Slovakia
EE	Estonia	LU	Luxembourg	UK	United Kingdom
EL	Greece	LV	Latvia		
ES	Spain	MT	Malta		