



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from :	Presidency
to :	Coreper/Council
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Subject :	European judicial training – Council Conclusions

On 13 September 2011, the Commission presented a communication called "Building trust in EU-wide justice: a new dimension to European judicial training".¹

Subsequently, the Presidency submitted draft Council conclusions on European judicial training.²

These draft conclusions were discussed in two meetings of the JHA Counsellors. Almost full agreement has been reached on the text, but some issues remain outstanding.

Coreper is invited to examine these outstanding issues with a view to allowing the JHA Council to adopt the conclusions at its meeting on 27/28 October 2011.

¹ 14196/11.

² 14937/11.

(Draft)

Council Conclusions

on

EUROPEAN JUDICIAL TRAINING

THE COUNCIL:

- a) Recalling Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the European Union, which for the first time lays down specific competence to "support the training of the judiciary and of judicial staff" in civil and criminal matters;
- b) Recalling the Stockholm Programme – An open and secure Europe serving and protecting the citizens, which stressed that "in order to foster a genuine European judicial and law enforcement culture, it is essential to step up training on Union-related issues and make it systematically accessible for all professions involved in the implementation of the area of freedom, security and justice";
- c) Recalling Council Resolution (2008/C 299/01) on the training of judges, prosecutors and judicial staff in the European Union;
- d) Recalling the Resolution of the European Parliament of 9 July 2008 on the role of the national judge in the European judicial system (2009/C 294 E/06);

THE COUNCIL:

1. Welcomes the European Commission's Communication "Building trust in EU-wide Justice – A new dimension to European judicial training"³, which stresses the importance of improving knowledge of EU law and mutual trust between legal practitioners to ensure efficient implementation of EU law and swift cross-border judicial cooperation across the Member States.
2. Underlines the contribution that European judicial training could make for the development of a genuine European judicial culture, based on respect for the different legal systems and traditions of the Member States.
3. Strongly supports further efforts for training of judges, prosecutors and other judicial staff in European law and its application.
4. Welcomes the facilitation of training of other legal practitioners, including bailiffs, notaries and advocates.
- 5.⁴ Underlines that training should not jeopardize the independence of the legal and judicial professions.
6. Considers quality of the training as the main benchmark for the evaluation of the training and welcomes the intention of the Commission to focus on priority areas, taking into consideration EU policy priorities and complexity of specific instruments. Aspects of cost-effectiveness should also be taken into account.
7. Shares the need to take advantage of the existing structures and networks, in particular the European Judicial Training Network (EJTN)⁵.

³ COM (2011) 551 final.

⁴ As a result of this new paragraph, subsequent paragraphs have obtained a higher number.

⁵ Scrutiny reservation by DE.

8. Welcomes the recognition of the key role played by training structures at national level for judges, prosecutors and other legal professionals, and welcomes that the Communication mentions the role of regional cooperation in developing best practices and new methods of learning.
9. The Council calls on Member States:
- to **strongly** encourage that training on Union acquis is systematically made available for legal practitioners through initial and continuous training, reflecting how national and Union legislation interact and influence their everyday practice;
 - to **strongly** encourage that legal practitioners, in particular judges and prosecutors, have the possibility of benefitting from at least one week's training on Union acquis and instruments during their career;
 - to encourage national professional organisations of legal practitioners to promote participation in continuous training activities among its members;
 - to support their national bodies in charge of training judges, prosecutors and **judicial** staff in expanding training in European Union law and in national legal systems and of making training available at local, regional and national level;
 - **to encourage the national judicial training structures to share yearly, if possible through the EJTN, information with the Commission** on available trainings on EU law and on the number of practitioners trained;
 - to encourage national legal professional organisations to inform the Commission through their European level organisations on available trainings on EU law and on the number of practitioners trained.

10. The Council invites the Commission:

- to build upon Articles 81(2)(h) and 82(1)(c) of the Treaty on the Functioning of the European Union, in particular to **identify and assess** solutions at European level, including European Training Schemes for all professionals involved;
- to build on the strengths of existing structures, actors and networks, whether national or European, such as the judicial training institutions and the EJTN, and calls on the Commission to further support them, while taking into account specific regional needs and the added value of regional cooperation;
- to initiate a new exchange programme for newly appointed judges and prosecutors, to ensure that they are fully engaged in the European aspect of their role from the outset and to allow them to have first-hand experience with practical operation of legal system of other Member States; this new exchange programme would complement the existing exchange schemes for experienced judges and prosecutors;
- to further develop the judicial training section of the European e-Justice Portal as a tool to develop European judicial training;
- to further simplify administrative procedures for access to European financial programmes and, **within these**, make additional funds available for European judicial training;
- to use the Justice Forum to follow-up the implementation of the communication and promote exchanges of best practices;
- to **consider presenting** yearly a report on European judicial training, **based on any contributions received from the EJTN and its members and from legal professional organisations at national and EU level.**

11. The Council encourages candidate and potential candidate countries to sign Memorandums of understanding to take part in the European Union's financial programmes in the field of justice, according to the conditions set in those programmes, in order to ensure their effective participation in European judicial training projects.
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