



Study on the Training Needs of Court Staff on EU Law in the EU

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in consortium with the European Institute of Public Administration
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1. Scope and Aim of the Study

1.1. Introduction

On 10 March 2021, the Council of the European Union publicly stressed that ‘increasing the knowledge and skills of justice professionals is a prerequisite for increasing the quality and efficiency of judicial systems, and the strengthening of European citizens’ trust and national justice systems and mutual trust in cross-border judicial proceedings.’¹ This Study will provide a detailed, evidence-based assessment of the current state of play regarding the training of court staff across the European Union in EU law, together with recommendations for further reform and development.

The **general objective** of this Study, as laid down by the European Commission,² is ‘to map in detail the training needs in EU law of the different types of court staff according to their respective tasks in the EU Member States’³. The **specific objectives** of this Study are:

- To identify the court staff’s tasks in the EU Member States, irrespective of the court staff status and educational background, that require the application of EU law to perform their duties.
- To identify in each Member State, the court staff professions who perform the above-mentioned tasks.
- To define the training needs on EU law corresponding to the different identified tasks.
- To make recommendations to the different national and EU-level stakeholders on how to answer these training needs.
- To make recommendations to enable the EU-level networking of all court staff training providers.

1.2. Background

In 2014, the Commission published a study on the state of play at that time regarding the above issues.⁴ The Commission invited the authors of the current Report ‘to take the 2014 pilot project study a step further, build on the learning and recommendations stemming from the different past and ongoing studies, conferences and projects dedicated to court staff training in the EU’.⁵

¹ Outcome of Proceedings on the Subject of Boosting Training of Judicial Professionals, General Secretariat of the Council of the European Union, Brussels 10 March 2021, 6926/21, page 3, paragraph 6.

² Study of the Training Needs of Court Staff on EU Law in the EU, Just/2018/JACC/PR/CRIM/0131, Tender Specifications 2.3.

³ At the time the Study was launched, the United Kingdom was in the process of leaving the EU and therefore declined to participate in the Project.

⁴ Study of the State of Play of Court Staff Training in EU Law and Promotion of Cooperation between Court Staff Training Providers at EU Level, JUST/2012/JUTR/R/0064/A4

⁵ Supra at footnote 2, 2.5.

The main EU studies, conferences and co-funded projects that preceded the current Study (in addition to the 2014 study) and that provide some insights of relevance to the present Study are the following:

- **2009:** ‘European Parliament Study on Strengthening Judicial Training in the European Union’, carried out by the European Centre for Judges and Lawyers of the European Institute of Public Administration (EIPA).⁶
- **2011:** European Parliament Study on ‘Judicial Training in the European Union Member States’, carried out by the Academy of European Law (ERA).⁷
- **2014:** ‘Study on the State of Play of Court Staff Training in EU Law and Promotion of Cooperation between Court Staff Training Providers at the EU Level’ (EIPA, commissioned by DG Justice).⁸
- **2015:** European Commission Conference on ‘European Cooperation on Judicial Training for Court Staff and Bailiffs’.
- **2015:** Symposium on ‘Training Clerks/Rechtspfleger, an Opportunity to Improve the Efficiency of Courts in Europe’, organised jointly by the French National School of Clerks and the European Union of Rechtspfleger (EUR).
- **2019:** ‘Summary of the Responses to the Questionnaire for the Preparation of CCJE Opinion No 22 (2019) on The Role of Court Clerks and Legal Assistants within the Courts and their Relationship with Judges’ (addendum to CCJE Opinion on the Role of Judicial Assistants).

All the above activities have made valuable and diverse contributions to the sum of knowledge concerning the state of play of training Member States’ court staff (or otherwise) in relevant EU law. The aims and objectives of our Study are, however, very different, being significantly broader and more comprehensive than any previous study. Our brief was to carry out a full and comprehensive analysis of the EU law training needs of the entire court staff of the European Union and to provide a detailed assessment of how these needs are (or are not) being met in 2021, together with recommendations for improvements. We made the early decision that effectively meeting the diverse and complex requirements of such a challenge required a *tabula rasa* approach to the subject under review. Our methodology for the Study, explained in detail below, was thus very specific, having quickly concluded that few, if any, of the previous projects could provide much assistance in the design of a methodology appropriate to the challenges posed by our Study’s terms of reference.

Some exceptions to the conclusion drawn in the above paragraph (in the sense that they contain material findings of direct relevance to our Study) were the following publications:

- **2015-2017:** EU co-funded Project ‘European Judicial Training for Court Staff and Bailiffs’, carried out by the French Justice Coopération Internationale and National School of Clerks; the Belgian Judicial Training Institute (IGO/IFJ); the Portuguese Directorate-General for the Administration of Justice; the Spanish Centro de Estudios Juridicos; the European Centre for Judges and Lawyers of the EIPA; the European Chamber of Judicial Officers.⁹
- **2017-2018:** EU co-funded Project ‘European Judicial Training for Court Staff and Bailiffs - Promoting and Supporting European Cross-border Cooperation’, carried out by the French Justice Coopération Internationale and National School of Clerks; the Belgian Judicial Training Institute (Institut de Formation Judiciaire, IGO-IFJ); the

⁶ IPOL-LIBE_ET(2009)419591_EN9.

⁷ IPOL-JURI_ET(2011)453198_EN10.

⁸ Supra at footnote 4.

⁹ Justice programme grant JUST/2014/JTRA/AG/EJTR/6869.

Portuguese Directorate-General for the Administration of Justice; the Romanian National School of Clerks; the Spanish Centro de Estudios Juridicos; the European Centre for Judges and Lawyers of EIPA; the European Chamber of Judicial Officers.¹⁰

- **2020:** EU co-funded project 'Better Applying European Cross-border Procedures: Legal and Language Training for Court Staff in Europe', carried out by the Academy of European Law (ERA) and the European Judicial Training Network (EJTN).¹¹
- **2020:** 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Ensuring Justice in the EU – a European Judicial Training Strategy for 2021-2024', European Commission COM (21020) 713 Final, 10 March 2021 6926/2.
- **2021:** 'Outcome of Proceedings: Council Conclusions Boosting Training of Judicial Professionals,' Council of the European Union, 10 March 2021.

Further reference to these publications will be made in the body of our Report.

1.3. Overall Structure of the Study

Having given careful consideration to the overall aims and objectives of this Study, as set out in the Tender Specification (JUST/2018/JACC/PR/CRU/0131), the Project Team set about devising, in **Round 1** of the Study, a methodology that would most effectively provide the necessary information to fulfil the following two objectives of the Study:¹²

- To identify the court staff's tasks in the EU Member States, irrespective of the court staff status and educational background, that require the application of EU law to perform their duties.
- To identify in each Member State the court staff professions who perform the above-mentioned tasks.

Round 2 of the Study concentrates on a third objective:

- To define the training needs on EU law corresponding to the different identified tasks (both those which are currently met and those which are not being met).

Round 3 of the Study looks towards the future in line with the fourth and fifth objectives:

- To make recommendations to the different national and EU-level stakeholders on how to answer these training needs.
- To make recommendations to enable the EU-level networking of all court staff training providers.

¹⁰ Justice programme grant JUST/2016/JTRA/AG/EJTR/763862.

¹¹ Justice programme grant JUST/2017/JTRA/EJTR/AG/806998.

¹² Supra at footnote 2, 2.3.

1.4. Abstract

1.4.1. English version

This Study maps the EU law training needs of court and prosecutors' offices staff in EU Member States. Based on the analysis of written questionnaires, the Study concludes that the provision of training in EU law to court staff in Member States needs significant improvement. The landscape of training for EU court staff is varied in terms of the actors providing training, the methodologies used, topics covered and evaluation of the short and long-term impact of training activities on court staff. Chapter 4 of the Study provides a fine-grid classification of court staff categories in the EU. On the basis of their tasks and function, the Study was able to identify the categories of court staff in need of training on EU law to carry out their duties. Approximately 180,000 court staff in the EU Member States require, or may require, training in EU law. Chapter 5 of the Study concludes that almost half of this group do not receive induction training in EU law (despite needing such knowledge in their workplace), and in only half of Member States do trainers receive formal training which equips them with the skills needed for effective delivery. Chapter 7 includes a summary of the Study together with a set of recommendations on how to improve the organisation of training courses for EU court staff, which capitalise on online formats, on trained trainers and which include selected tailored topics. The extensive and detailed information included in the Annexes provides further detailed information on the training needs specific to the different types of court staff in the EU Member States.

1.4.2. French version

La présente étude a pour objectif de répertorier les besoins de formation au droit de l'UE du personnel judiciaire des cours et tribunaux et des parquets dans les États membres. Après analyse des réponses à plusieurs questionnaires écrits, l'étude conclut que la formation au droit de l'UE dispensée au personnel judiciaire des États membres doit être considérablement améliorée. Le paysage de la formation proposée au personnel judiciaire est extrêmement varié, tant en ce qui concerne les acteurs responsables de son organisation que les méthodes utilisées, les sujets couverts et l'évaluation réalisée sur les effets à court et à long terme des activités de formation sur ces professionnels. Le chapitre 4 de l'étude offre une classification détaillée des diverses catégories de personnel judiciaire dans l'UE. Sur la base de leurs tâches et fonctions, l'étude a pu identifier les catégories de personnel judiciaire qui ont besoin d'une formation au droit de l'UE pour mener leurs missions à bien. Dans ce contexte, il a été estimé que quelque 180 000 personnes avaient besoin, ou pourraient avoir besoin, d'une formation au droit de l'UE. Le chapitre 5 de l'étude révèle que près de la moitié de ce groupe n'a pas reçu de formation initiale en droit de l'UE (bien qu'ils aient besoin de ces connaissances sur leur lieu de travail) et que, dans seulement la moitié des États membres, les formateurs reçoivent une formation officielle les dotant des compétences nécessaires pour une transmission efficace. Le chapitre 7 comporte un résumé de l'étude, ainsi qu'un ensemble de recommandations visant à améliorer l'organisation des formations destinées au personnel judiciaire de l'UE. Ces recommandations préconisent tout particulièrement de tirer parti des formats en ligne, d'améliorer la formation des formateurs et d'étendre les sujets couverts. Les annexes comprennent des informations complètes et détaillées sur les besoins de formation spécifiques des différentes catégories de personnel judiciaire dans les États membres de l'UE.

1.5. Executive Summary

1.5.1. English version

1. In 2019, the European Commission's Directorate-General of Justice and Consumers launched a *Study on the Training Needs of Court Staff on EU Law in the EU*. The Study was managed by a Consortium, led by EJTN in collaboration with the EIPA. The Study built upon an earlier study on the same topic also commissioned by the European Commission and published in 2014. Other studies, conferences and projects dedicated to EU court staff training have also been conducted since 2014. All these initiatives provided useful background material for the current Study.
2. The five objectives of this Study were as follows.
 - To identify the court staff tasks in the EU Member States, irrespective of the court staff status and educational background, that require the application of EU law to perform their duties.
 - To identify in each Member State, the court staff professions who perform the above-mentioned tasks.
 - To define the training needs on EU law corresponding to the different identified tasks.
 - To make recommendations to the different national and EU-level stakeholders on how to answer these training needs.
 - To make recommendations to enable the EU-level networking of all court staff training providers.
3. The Study defined court staff as 'the support staff of courts and tribunals and of prosecutors' offices, whatever their educational background or legal status'. According to our findings, approximately 300,000 individuals currently match this definition, of whom around 180,000 perform tasks that require (or might require) a knowledge of EU law.
4. The Project Steering Committee which provided overall supervision of the Study consisted of the following persons: the Project Manager; the EJTN Secretary General; the Chair of the EJTN Steering Committee; the EJTN Head of Office; the Director of EIPA-Luxembourg; a representative from the European Commission, and three experts in judicial training ('the experts') appointed to conduct most of the substantive work for the Study. The Project was ably assisted by an Experts' Committee set up to advise on the content of the Study. The Project relied heavily upon a team of National Coordinators (NCOs) appointed from each of the 27 European Union Member States to work with the Project Team on the collection and verification of accurate data at national level. The Study findings are based primarily upon an analysis of this data. Due to the Covid-19 pandemic, almost the entire Project was conducted and executed electronically via the Internet using a variety of online communication tools.

5. Work on the Study began in January 2020 and was completed by the submission of the final Report to the Commission in June 2021. The Report itself is 36,000 words in length and has over 900 pages of Annexes.

6. The Project passed through four phases (1-3 are referred to as Rounds) as follows:
 - Round One: Comprehensive analysis of data on numbers, roles and responsibilities of court staff accumulated from the previous study in 2014, systematically reviewing and updating the data at source, via a first Questionnaire (see Annexes 2, 3 and 6), and the creation of a full set of factsheets summarising the current position.

 - Round Two: Administration of a second Questionnaire (see Annexe 8) concerning the training in EU law provided to court staff (where relevant to their tasks) followed by recording and analysis of the accumulated data in tabular form.

 - Round Three: Administration of a third Questionnaire (see Annexe 11) focused on targeted and specific aspects of EU law training, including content, training methods, evaluation techniques and overall adequacy of provision.

 - Final Phase: Assimilation of the analysis of the second and third Questionnaires into a set of Recommendations for the conduct of future court staff training in EU law.

7. A critical part of the data analysis in Round One was the distinction drawn between the Tasks carried out by an individual court staff member and the Functions of their particular role. Tasks refer to the activities carried out by a court staff member (running courts, collating information, supervising data protection enforcement, interfacing the public, controlling finances, etc.). Functions (F) group together the activities of a court staff member under one or more generic themes. We identified four such generic Functions as F1 (administrative); F2 (assisting the judiciary in the preparation and conduct of a case); F3 (having direct, formally delegated responsibility for discrete aspects of the determination of a case); and F4 (having responsibility for procedural functions of a cross-border nature). In many (probably the majority) of cases, court staff carry out Functions in more than one category [see paragraph 4.5.].

8. The other significant aspect of the Round One analysis was to separate those court staff who a) require (classified as Type One) or b) might require (classified as Type Two) training in EU law to perform their tasks and functions from those who do not require such training (classified as Type Three). Those staff members who fell into the Type Three category (approximately 100,000 in total), were excluded from the rest of the Study, on the basis that they fell outside the principal remit of the Study. On this basis, approximately 63% of court and prosecutors' office staff in the EU need or might need judicial training on EU law.

9. Round Two of the Project was focused specifically on the training currently provided (or not provided) to those court staff identified as either Type One or Type Two. The objective of this Round was to discover all the relevant training data that would allow us subsequently to make recommendations on the measures that need to be taken in order to address any weaknesses in the current training provision, particularly in terms of training availability, duration, quality and efficacy of delivery.
10. The questions to which answers were specifically sought in Round Two were the following:
- a. Whether, and to what extent EU law is included in the initial and continuing training programmes for court staff (Types One and Two)?
 - b. In what areas of EU law is such training provided?
 - c. Who provides this training?
 - d. Are the trainers trained as trainers?
 - e. What are the most commonly used styles of training delivery (face-to-face, online, blended) and methods (e.g. case studies, simulations)?
 - f. Is training evaluated? If so, how?
 - g. What (if any) training activities are carried out in conjunction with other legal professionals?
11. In analysing the data provided in Questionnaire Two responses, the experts used both qualitative and quantitative methods. In summary, the findings were as follows:
- a. In over 56% of EU Member States, court staff (Types One and Two) receive initial training on EU law. Court staff (Types One and Two) receive continuing training in EU law in all but one Member State, but the quantity of such training and the extent to which it is considered compulsory differ widely between Member States. This confirms the recent observation of the Council of the European Union, citing the 2020 Report of DG Justice and Consumers on European Judicial Training, that 'considerable differences remain in the uptake of training across Member States and justice professionals'.
 - b. EU law training covers a very wide range of topics across Member States as a whole, although an equally large range of topics is either not covered, or is insufficiently covered (see, in particular, 5.4 and Table 11).
 - c. Training activities are organised by a variety of organisations, primarily courts and public administration schools, and professional training providers. Court staff (Types One and Two) receive training within these organisations from trainers from a wide range of professional backgrounds drawn predominantly from courts, academia, and the legal professions.
 - d. In just over 50% of Member States, the trainers receive formal and continuing training to be trainers.
 - e. In the delivery of training, a range of methodologies are used, split between face-to-face, e-Learning and blended learning.
 - f. Training providers universally seek feedback from court staff attending their training and use this feedback proactively for future course planning. In a minority of Member States, limited use is also made of the Kirkpatrick Model of Training Evaluation [the 'Kirkpatrick Model'].
 - g. Very few court staff training activities are shared with other legal professionals.

12. Round Three of the Study was deliberately forward-looking. Unlike Rounds One and Two, Round Three was focused on the future. Specifically, Round Three sought to address the 4th and 5th objectives (see paragraph 2 above) as follows.

- To make recommendations to the different national and EU-level stakeholders on how to answer these (identified) training needs.
- To make recommendations to enable the EU-level networking of all court staff training providers.

The Round Three methodology was designed to discover any perceived insufficiency in the current training offer currently available in the Member States and the reasons for any perceived insufficiency. Round Three also addressed the following issues:

- What are the specific areas where more training on EU law is required?
- What are the particular complexities of providing training to cover cases which involve several different Member State jurisdictions?
- Would more Train the Trainers courses be welcomed, and if so in what formats?
- What are the most common approaches to post-course evaluation, and do the training bodies in the Member States make use of the Kirkpatrick Model?
- Would the production of generic online transnational training courses on the institutions of the EU and relevant issues of EU law and procedure be a popular development?
- What is the current appetite among Member State court staff for attending transnational training events, and what might be the perceived advantages of transnational networking opportunities to training providers?

13. Round Three followed broadly the same methodological approach as in the previous two Rounds, making use of structured written Questionnaires which were subsequently analysed, again using both qualitative and quantitative methods. The Questionnaire used in this part of the Study was co-drafted between the Project Team and the Experts' Committee.

14. The data collected and analysed in Round Three led to a number of broad conclusions as follows:

- There has been a significant increase in the amount of targeted training in EU law for court staff since 2014.
- The range of methodologies used for such training has widened and diversified, as has a) the range and backgrounds of trainers used, and b) the willingness of court staff and court staff trainers to engage in transnational training.
- There remain, however, a number of areas of training activity in need of improvement. The final chapter of this Report addresses these concerns in a wide-ranging set of recommendations for the future.

15. Summary of Recommendations

The Report makes a number of recommendations – twenty-four in total – regarding the future management, content, delivery and development of training in EU Law for court staff Types One and Two. The detail of these recommendations can be found in Chapter 7. The recommendations are in summary as follows [N.B where the phrase court staff appears below, it refers only to court staff Types One and Two]:

- Member States should consider formalising the role of NCOs (either the incumbent NCO or their successor) as a permanent position within their national court staff training structure, in order to make best use of the overview knowledge and experience the NCOs have acquired in the course of this Project.
- Court staff managers should be encouraged to adopt the Type, Task and Function Template Classification developed for this Study, as a standard Template, regularly updated, enabling them to identify with greater accuracy those staff with priority needs for training in EU law and the precise nature of any such training.
- Court staff training managers should be encouraged to adopt the core training methodology for court staff training programmes as recommended by the ongoing ERA/EJTN project.
- Court staff training managers should continue to ensure that trainers come from the widest possible variety of professional backgrounds thereby reflecting the diversity of the tasks and functions for which court staff are responsible.
- Train the Trainer courses for court staff trainers should become compulsory, wherever possible.
- Court staff trainers should build upon the best training practices as revealed in this Study to ensure that the selected training methodology is the best, the most appropriate and of practical value to all trainees attending a training programme.
- Training managers should ensure that where court staff are required to take part in online training it must be possible for them to participate in the training from their workplaces.
- Training providers are encouraged to further explore active engagement with the Kirkpatrick Model in their future evaluation schemes to include assessment at all four levels.
- The European Commission should work with existing networks of training providers to facilitate the provision of easy access in one place to the most up-to-date information regarding new laws, regulations, directives, and guidance emanating from the European Commission on a regular basis.
- Where relevant areas of EU law and procedure are not currently covered by court staff training activities as revealed in the Study, training managers should take timely action to cover these areas by developing appropriate additional training curricula.
- The European Commission should promote the development within existing networks of EU-wide introductory generic training courses on EU law and governance.
- The European Commission should encourage further exchanges of court staff across the Union within the current exchange programme managed by

the EJTN. This should include the possibility of creating bespoke bilateral programmes, transnational mentoring schemes, and cross-border apprenticeships schemes.

- The European Commission should sponsor or fund a new study based upon the findings of this Study to identify examples of Best, Good and Promising training practices in the training of court staff across the Union.

16. Outline of Annexes

The Report contains 12 Annexes that total over 900 pages. They contain an extensive amount of important data, including copies of all the Questionnaires, associated Guidelines, and a calendar of the Study's implementation framework. Of particular importance is Annexe 7, which contains a 'Country Package' for each of the 27 Member States, summarising the key data on the tasks, functions and training of every category of court staff in that country and the numbers and classification of such staff. Annexe 10 provides a detailed summary and analysis of the training programmes available for court staff Types One and Two in each Member State. Annexe 12 provides a Table of the Study's Recommendations.

1.5.2. French version

1. En 2019, la Direction générale « Justice et consommateurs » de la Commission européenne a lancé une *Étude sur les besoins de formation du personnel judiciaire en matière de droit de l'UE dans l'UE*. L'étude a été réalisée par un consortium dirigé par le REFJ en collaboration avec l'IEAP. Cette étude s'est appuyée sur une étude antérieure sur le même thème, également commandée par la Commission européenne et publiée en 2014. D'autres études, conférences et projets consacrés à la formation du personnel judiciaire de l'UE ont également vu le jour depuis 2014. Toutes ces initiatives ont servi de documents de référence à l'étude actuelle.
2. La présente étude poursuivait les cinq objectifs suivants :
 - recenser les tâches habituellement assignées au personnel judiciaire dans les États membres de l'UE, quels que soient leur statut et leur niveau d'instruction, dans le cadre desquelles le droit de l'UE doit être appliqué ;
 - recenser, dans chaque État membre, les catégories de personnel judiciaire chargées d'exécuter les tâches en question ;
 - définir les besoins en formation au droit de l'UE correspondant aux différentes tâches recensées ;
 - émettre des recommandations à l'intention des différentes parties prenantes aux niveaux national et européen quant à la manière de répondre à ces besoins de formation ;
 - émettre des recommandations pour permettre la mise en réseau de tous les prestataires de formation du personnel judiciaire au niveau de l'UE.
3. Pour les besoins de l'étude, l'expression « personnel judiciaire » désigne « le personnel d'appui des cours et tribunaux et des parquets, quel que soit leur niveau d'instruction ou leur statut juridique ». D'après nos constatations, quelque 300 000 personnes répondent à cette définition, parmi lesquelles environ 180 000 réalisent

des tâches qui nécessitent (ou pourraient nécessiter) une connaissance du droit de l'UE.

4. Le comité directeur du projet chargé de la supervision générale de l'étude était composé des personnes suivantes : le responsable de projet, le Secrétaire général du REFJ, le président du Comité de pilotage du REFJ, le responsable du secrétariat du REFJ, le directeur de l'IEAP-Luxembourg, une représentante de la Commission européenne, ainsi que trois experts en formation judiciaire (ci-après les « experts ») chargés de mener la majeure partie des travaux liés à l'étude. Le projet bénéficiait de l'assistance précieuse d'un comité d'experts mise en place dans le but de prodiguer des conseils sur le contenu de l'étude. Le projet s'est fortement appuyé sur une équipe de coordinateurs nationaux (CN) provenant de chacun des 27 États membres de l'UE pour soutenir l'équipe de projet dans la collecte et la vérification de données exactes au niveau national. Les conclusions de l'étude s'appuient essentiellement sur l'analyse de ces données. En raison de la pandémie de Covid-19, pratiquement tout le projet a été réalisé en ligne, au moyen de divers outils de communication électronique.
5. Les travaux ont été entamés en janvier 2020 et se sont achevés par la présentation du rapport final à la Commission en juin 2021. Le rapport en tant que tel compte 36 000 mots et est enrichi par plus de 900 pages d'annexes.
6. Le projet s'est déroulé en quatre étapes (dont les trois premières ont été qualifiées de « cycles »), comme suit :
 - Cycle 1 : Analyse complète des données concernant le nombre, les rôles et les responsabilités du personnel judiciaire depuis l'étude de 2014 – données systématiquement vérifiées et mises à jour à la source au moyen d'un premier questionnaire – (voir les annexes 2, 3 et 6) et création d'un ensemble complet de fiches d'information résumant la situation actuelle.
 - Cycle 2 : Administration d'un deuxième questionnaire (voir l'annexe 8) concernant la formation au droit de l'UE dispensée aux membres du personnel judiciaire (lorsque cela est pertinent à la lumière de leurs tâches), suivie par l'enregistrement et l'analyse des données accumulées sous forme de tableau.
 - Cycle 3 : Administration d'un troisième questionnaire (voir l'annexe 11) axé sur des aspects spécifiques et ciblés de la formation au droit de l'UE, comme le contenu, les méthodes de formation, les techniques d'évaluation et l'adéquation des manières de dispenser la formation.
 - Phase finale : Assimilation de l'analyse des deuxième et troisième questionnaires en un ensemble de recommandations pour l'organisation de la future formation du personnel judiciaire au droit de l'UE.
7. Une partie essentielle de l'analyse des données effectuée lors du cycle 1 a été de faire la distinction entre les tâches exécutées par un membre du personnel judiciaire particulier et les fonctions attachées à son rôle spécifique. Les tâches renvoient aux activités exécutées par un membre du personnel judiciaire donné (gestion du tribunal, collecte d'informations, supervision du respect de la protection des données, liaison avec le public, contrôle des finances, etc.). Les fonctions (F) sont

un ensemble d'activités regroupées sous un ou plusieurs thèmes génériques. Nous avons ainsi recensé quatre Fonctions génériques : F1 (administratif), F2 (assistance aux magistrats dans la préparation et le déroulement d'un dossier), F3 (responsabilité directe, formellement déléguée, pour des aspects précis de la gestion d'un dossier) et F4 (responsabilité concernant des fonctions procédurales à caractère transfrontière). Dans beaucoup de cas (probablement la majorité), le personnel judiciaire exerce des fonctions appartenant à plus d'une catégorie (voir point 4.5.).

8. L'autre aspect significatif de l'analyse du Cycle 1 a été de distinguer les membres du personnel judiciaire qui a) ont besoin (type 1) ou b) pourraient avoir besoin (type 2) d'une formation au droit de l'UE pour exécuter leurs tâches et leurs fonctions de ceux qui n'ont pas besoin d'une telle formation (type 3). Les personnes appartenant à la catégorie de type 3 (quelque 100 000 personnes au total) ont été exclues du reste de l'étude, étant donné qu'elles ne sont pas concernées par son objet principal. Sur cette base, environ 63 % du personnel judiciaire dans les cours et tribunaux et les parquets de l'UE a besoin ou pourrait avoir besoin d'une formation au droit de l'UE.
9. Le cycle 2 du projet était axé spécifiquement sur la formation actuellement dispensée (ou non dispensée) aux membres du personnel judiciaire de type 1 ou de type 2. L'objectif de ce cycle était de recueillir toutes les données pertinentes qui allaient ensuite nous permettre de formuler des recommandations quant aux mesures à prendre pour combler les lacunes observées dans la manière dont la formation est organisée actuellement, notamment en ce qui concerne la disponibilité, la durée, la qualité et l'efficacité de la formation.
10. Les questions auxquelles le cycle 2 cherchait plus spécifiquement à répondre étaient les suivantes :
 - a. Le droit de l'UE est-il inclus – et si oui, dans quelle mesure – dans les programmes de formation initiale et continue destinés au personnel judiciaire (types 1 et 2) ?
 - b. Quels domaines du droit de l'UE ces formations couvrent-elles ?
 - c. Qui est chargé de dispenser ces formations ?
 - d. Les formateurs ont-ils reçu une formation spécifique ?
 - e. Quels sont les modes d'organisation (présentiel, en ligne, mixte) et les méthodes (études de cas, simulations, etc.) les plus souvent utilisés ?
 - f. La formation est-elle évaluée ? Si oui, de quelle manière ?
 - g. Certaines activités de formation sont-elles organisées en commun avec d'autres professionnels de la justice et, si oui, lesquelles ?

11. Pour analyser les données fournies par les réponses au questionnaire 2, les experts ont utilisé à la fois des méthodes qualitatives et quantitatives. En résumé, les résultats suivants ont été observés :
- a. Dans plus de 56 % des États membres de l'UE, le personnel judiciaire (types 1 et 2) bénéficie d'une formation initiale en droit de l'UE. Le personnel judiciaire (types 1 et 2) reçoit une formation continue en droit de l'UE dans tous les États membres sauf un. Cependant, la durée de cette formation et son caractère obligatoire varient considérablement en fonction des États membres. Ceci confirme l'observation récente du Conseil de l'Union européenne, citant le rapport de 2020 de la Direction générale « Justice et consommateurs » sur la formation judiciaire européenne, selon laquelle « des différences considérables subsistent en ce qui concerne la participation aux formations d'un État membre à l'autre et d'un professionnel de la justice à l'autre ».
 - b. La formation au droit de l'UE couvre un large éventail de sujets dans tous les États membres, bien qu'un éventail tout aussi large de sujets ne soient pas suffisamment couverts, voire pas du tout (voir, en particulier, le point 5.4. et le tableau 11).
 - c. Les activités de formation sont organisées par diverses entités, principalement des tribunaux et des écoles d'administration publique, ainsi que des prestataires de formation professionnels. La formation proposée au personnel judiciaire (types 1 et 2) au sein de ces entités est dispensée par des formateurs provenant d'horizons professionnels variés, principalement des tribunaux, du monde académique et d'autres professions juridiques.
 - d. Dans un peu plus de la moitié des États membres, les formateurs doivent suivre une formation initiale et continue pour pouvoir exercer.
 - e. La formation est dispensée selon diverses méthodes, les principales étant le présentiel, l'apprentissage en ligne et la formation mixte.
 - f. Tous les prestataires de formation cherchent à obtenir un retour d'informations des membres du personnel judiciaire qui suivent leurs formations et utilisent ces informations de manière proactive pour planifier les formations suivantes. Le modèle Kirkpatrick d'évaluation de la formation (modèle Kirkpatrick) n'est utilisé que dans une minorité d'États membres et de façon limitée.
 - g. Les activités de formation destinées au personnel judiciaire sont très rarement organisées en commun avec d'autres professionnels de la justice.
12. Le cycle 3 de l'étude se voulait délibérément tourné vers l'avenir. Contrairement aux cycles 1 et 2, le cycle 3 était axé sur la formation de demain. En particulier, le cycle 3 cherchait à réaliser les quatrième et cinquième objectifs énoncés au paragraphe 2 ci-dessus :
- émettre des recommandations à l'intention des différentes parties prenantes aux niveaux national et européen quant à la manière de répondre à ces besoins de formation ;
 - émettre des recommandations pour permettre la mise en réseau de tous les prestataires de formation du personnel judiciaire au niveau de l'UE.

La méthodologie employée durant le cycle 3 a été conçue de façon à détecter toute lacune perçue dans l'offre de formation actuellement proposée dans les États

membres et les raisons de ces lacunes éventuelles. Le cycle 3 tentait également de répondre aux questions suivantes :

- Quels sont les domaines spécifiques dans lesquels la formation au droit de l'UE devrait être renforcée ?
- Quelles sont les difficultés spécifiques liées à l'organisation de formations couvrant des cas impliquant des juridictions de plusieurs États membres différents ?
- L'offre de formations pour les formateurs devrait-elle être étendue et, si oui, dans quels formats ?
- Quelles sont les approches les plus communément adoptées à l'égard de l'évaluation à la fin de la formation et les organismes de formation des États membres utilisent-ils le modèle Kirkpatrick ?
- La production de formations transnationales génériques en ligne sur les institutions de l'UE et diverses questions pertinentes concernant le droit de l'UE et la procédure pourrait-elle être utile ?
- Dans quelle mesure les membres du personnel judiciaire des États membres souhaitent-ils participer à des événements de formation transnationaux et quels pourraient être les avantages perçus de la mise en place de possibilités de réseautage transnational pour les prestataires de formation ?

13. L'approche méthodologique appliquée au cycle 3 était globalement la même que pour les deux premiers cycles, à savoir l'utilisation de questionnaires écrits structurés, qui ont ensuite été analysés, ici encore à l'aide d'un mélange de méthodes qualitatives et quantitatives. Le questionnaire utilisé pour cette partie de l'étude a été élaboré conjointement par l'équipe de projet et le comité d'experts.

14. Les données collectées et analysées lors du cycle 3 ont permis de tirer un certain nombre de conclusions générales :

- Le nombre de formations au droit de l'UE spécifiquement destinées au personnel judiciaire a considérablement augmenté depuis 2014.
- L'éventail des méthodes utilisées pour ces formations s'est élargi et diversifié, tout comme a) le profil des formateurs et b) la volonté du personnel judiciaire et des formateurs de s'engager dans une formation transnationale.
- Il reste cependant un certain nombre de domaines dans lesquels des améliorations sont nécessaires. Ce point est abordé dans le dernier chapitre du rapport, à travers une vaste série de recommandations pour l'avenir.

15. Résumé des recommandations

Le rapport contient une série de recommandations – vingt-quatre au total – qui concernent la gestion, le contenu, l'organisation et l'élaboration des formations au droit de l'UE pour le personnel judiciaire de type 1 et 2. Le détail de ces recommandations est repris dans le chapitre 7. En résumé, les recommandations sont les suivantes [N.B. : lorsque le terme « personnel judiciaire » apparaît ci-dessous, il renvoie uniquement au personnel judiciaire de type 1 et 2] :

- Les États membres devraient envisager d'officialiser le rôle des CN (les CN actuels ou leurs successeurs) en créant un poste permanent au sein de la

structure nationale de formation du personnel judiciaire, ceci afin de tirer le meilleur parti des connaissances et de l'expérience que les CN ont acquis dans le cadre du présent projet.

- Les responsables du personnel judiciaire devraient être encouragés à adopter le modèle de classification Type, Tâche et Fonction développé dans le cadre de cette étude en tant que modèle standard, et à le mettre régulièrement à jour. Ce modèle leur permettrait de définir avec une plus grande précision les membres du personnel ayant un besoin prioritaire de formation au droit de l'UE, ainsi que la nature précise d'une telle formation.
- Les personnes responsables de la formation du personnel judiciaire devraient être encouragées à élaborer les programmes de formation en suivant la méthode recommandée dans le cadre du projet mené conjointement par l'ERA et le REFJ et publié en 2021 en parallèle du présent rapport.
- Les personnes responsables de la formation du personnel judiciaire devraient continuer de veiller à ce que les formateurs proviennent d'horizons professionnels aussi variés que possible, de manière à refléter la diversité des tâches et des fonctions dont le personnel judiciaire est responsable.
- Les formateurs chargés de former le personnel judiciaire devraient, si possible, suivre une formation obligatoire.
- Les formateurs chargés de former le personnel judiciaire devraient s'appuyer sur les bonnes pratiques énumérées dans l'étude de façon à garantir que la méthode de formation sélectionnée soit la meilleure, la plus adaptée et la plus utile à toutes les personnes suivant le programme de formation.
- Les responsables de la formation doivent veiller à ce que les membres du personnel judiciaire tenus de suivre une formation en ligne puissent participer à la formation depuis leur lieu de travail.
- Les prestataires de formation sont encouragés à explorer la possibilité d'utiliser plus activement le modèle Kirkpatrick à l'avenir, de façon à ce qu'une évaluation soit réalisée à chacun des quatre niveaux.
- La Commission européenne devrait travailler avec les réseaux existants de prestataires de formation afin de proposer un accès facile et unique aux informations les plus récentes concernant les nouvelles législations, réglementations, directives et orientations régulièrement produites par la Commission européenne.
- Pour les questions relatives au droit de l'UE et à la procédure qui ne sont actuellement pas couvertes par les activités de formation destinées au personnel judiciaire, les responsables de formation devraient agir sans tarder pour couvrir ces domaines en développant un programme de formation supplémentaire adéquat.
- La Commission européenne devrait encourager le développement, au sein des réseaux existants, de formations génériques paneuropéennes d'introduction au droit de l'UE et à sa gouvernance.
- La Commission européenne devrait encourager le personnel judiciaire à participer à des échanges internationaux dans le cadre du Programme d'Échanges géré par le REFJ. Cela devrait inclure la possibilité de créer des programmes bilatéraux sur mesure, des programmes transnationaux de mentorat et des programmes de stages transfrontières.
- La Commission européenne devrait sponsoriser ou financer une nouvelle étude fondée sur les conclusions de celle-ci pour recenser des exemples de

pratiques efficaces, exemplaires ou prometteuses en lien avec la formation du personnel judiciaire dans l'Union.

16. Aperçu des annexes

Le rapport contient 12 annexes représentant un total de plus de 900 pages. Les annexes regroupent une grande quantité de données importantes, parmi lesquelles un exemplaire de tous les questionnaires, les instructions associées, ainsi qu'un calendrier pour le cadre de mise en œuvre de l'étude. L'annexe 7 est particulièrement importante, puisqu'elle contient un « récapitulatif national » pour chacun des 27 États membres, qui synthétisent les principales données concernant les tâches, les fonctions et la formation de chaque catégorie de personnel judiciaire dans ce pays, leur nombre, ainsi que leur classification. L'annexe 10 fournit un résumé et une analyse détaillée des programmes de formation disponibles pour le personnel judiciaire de type 1 et 2 dans chaque État membre. L'annexe 12 contient un tableau reprenant les recommandations de l'étude.

1.6. Disclaimer

This document has been prepared for the European Commission however it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

1.7. Abbreviations

- CCJE Consultative Council of European Judges
- DG Justice and Consumers Directorate-General of Justice and Consumers
- ECtHR European Court of Human Rights
- EIPA European Institute of Public Administration
- EIPA-ECJL EIPA's European Centre for Judges and Lawyers
- EJTN European Judicial Training Network
- EPPO European Public Prosecutor's Office
- ERA Academy of European Law
- EU European Union
- EUBF European Bailiffs' Foundation
- EUR European Union of Rechtspfleger
- F1 / F2 / F3 / F4 Function 1 / Function 2 / Function 3 / Function 4
- GDPR European General Data Protection Regulation
- IGO/IFJ Belgian Instituut voor Gerechtelijke Opleiding/
Institut de Formation Judiciaire
- NCOs National Coordinators
- NIJ National Institute of Justice, Bulgaria

- NSC National School of Clerks, Romania
- Q and A Question and Answer
- SSR Studiecentrum Rechtspleging, Netherlands
- T1 / T2 / T3 / T4 Type 1 / Type 2 / Type 3 / Type 4
- UNESCO United Nations Educational, Scientific and Cultural Organization

2. Organisational Framework

2.1. The Consortium

In 2019, the European Commission's Directorate-General of Justice and Consumers (DG Justice and Consumers) launched a 'Study on the Training Needs of Court Staff on EU law in the EU'. This Study, which is financed by DG Justice and Consumers, was commissioned by the consortium led by EJTN in collaboration with the EIPA.

2.2. Members of the Consortium

2.2.1. Consortium Leader: EJTN in a Nutshell

EJTN is an international non-profit association governed by the provisions of Belgian law.

EJTN is a unique association bringing together 36 members – all of them public judicial training institutions from all EU Member States and the Academy of European Law (ERA). EJTN promotes training programmes with a genuine European dimension for members of the European judiciary, creating a networking space for its members, delivering training activities (7,349 individual judges, prosecutors, trainers and trainees trained and 36,427 training days in 2019), identifying, developing and disseminating best practices and methodologies in judicial training.

Key to this ambition are EJTN's Judicial Training Principles,¹³ providing Europe's judiciary with a common foundation and source of inspiration for managing judicial training needs.

Absolutely vital to EJTN's training offer is having trusted partnerships to provide expertise in designing and cross-promoting training programmes. International and European courts, justice and home affairs agencies, judge and public prosecutor associations and judicial networks all play a valuable role in encouraging and facilitating training.

EJTN's capacity to play a leading, active role and to coordinate its programme of activities is made possible thanks to several driving forces. Based on a proven and decentralised planning and execution structure, EJTN can rely on the commitment of all of its members and partners to providing the most relevant and best expertise available, as well as the active participation necessary to develop its offer of training activities. The financial support of the European Commission is vital to ensuring this development under the best possible conditions.

The combination of these factors, along with the increasing trust placed in EJTN as a major and trusted partner in the construction of a European legal area¹⁴, enables EJTN's target audience to share common values, exchange new experiences and discuss new perspectives in areas of common interest, thus instilling among participants the feeling of

¹³ EJTN Judicial Training Principles, https://www.ejtn.eu/PageFiles/15756/Judicial%20Training%20Principles_EN.pdf; see also the Declaration of Judicial Training Principles, International Organisation for Judicial Training OJT, 8 November 2017.

¹⁴ Council Conclusions 'Training of legal practitioners: an essential tool to consolidate the EU acquis' (2014/C 443/04) stated that **'At EU level, the EJTN is best placed to coordinate, through its members, national training activities and to develop a cross-border training offer for judges and prosecutors'**.

Furthermore, the Council invited the Member States to consider increasing or at least maintaining their financial support to EJTN, taking into account the EJTN legal framework and Member States' direct co-financing of certain EJTN training in line with relevant training needs, in order to match the EU's contribution and enable the network to further develop its activities such as exchanges and cross-border training.

The Council also invited the European Commission to draw on available expertise in the Member States and among stakeholders and build on the good work of EJTN and the results of the Pilot Project on European judicial training when it considers preparing a recommendation on standards of training that cover all legal professions.

belonging to a common judicial culture from the very start of their careers, and helping to build a European identity among the national judiciaries.

EJTN also triggers coordination between, and provides assistance to, national training institutions, members and observers, to facilitate and enhance their training offers. It also strives to improve its performance across its existing financial and methodological means, and to provide expertise and know-how through EJTN's networking.

As part of EJTN's 2021–2027 Strategic Plan, networking on court staff training and delivering training to court staff was identified as a new strategic objective for the Network.¹⁵

In line with this, EJTN will develop activities targeting court staff gradually within the framework of its institutional and members' capacities, without detriment to ensuring an appropriate level of training for judges and prosecutors.

2.2.2. Joint Tenderer: EIPA in a Nutshell

Established in 1981, the EIPA is a non-profit, autonomous and independent Institute with a public mission to support European integration through the provision of training and consultancy services as well as comparative research and publications on European policies and law, public administration (including the justice sector) and decision-making in the European Union.¹⁶

The general aim of the Institute is to provide relevant, tailor-made and high-quality services to develop the capacities of public administrations, judicial bodies, legal practitioners and the officials working therein. The EIPA has a multi-national and inter-disciplinary staff, consisting of some 80 resident staff members, who are divided into faculty and supporting staff. The faculty staff are lawyers, economists, political scientists, etc., half of whom come from renowned universities, while the other half come from the public administration or the legal professions of the EU Member States.

The EIPA's activities concentrate on fields of priority interest for the EU. With its headquarters in Maastricht and specialised centres in Luxembourg and Barcelona and, through its involvement in major projects in or for all EU Member States, as well as in most of the countries neighbouring the EU, the EIPA is at the forefront of developments across Europe and beyond and is responsive to the needs and interests of its target groups.

Of particular relevance to this Project, it is worth noting that the EIPA's contribution to the current Project will be provided by the EIPA's European Centre for Judges and Lawyers (EIPA-ECJL), in Luxembourg.

EIPA-ECJL was created in 1992 and is the arm of the EIPA that specialises in providing training to members of the judiciary, ministry of justice officials and private practising lawyers on the transposition, interpretation, application and enforcement of EU law and jurisprudence, judicial and law enforcement cooperation, comparative law, as well as on the administration and quality of justice and change management in judicial systems.

In 2014, EIPA-ECJL implemented the first study on the state of play of court staff training in EU law and the promotion of cooperation between court staff training providers at EU level¹⁷.

¹⁵ EJTN 2021–2027 Strategic Plan, https://www.ejtn.eu/PageFiles/9825/EJTN%20Strategic%20Plan%202021%20-%202027_EN.pdf.

¹⁶ <https://www.eipa.eu/>.

¹⁷ On 12 July 2012, the European Commission – DG Justice published a call for tenders 'implementation of the pilot project – European judicial training'. This was in response to a European Parliament amendment to the 2012 EU budget which had proposed a pilot project on European judicial training: 'A specific pilot project on judicial training can help fulfil the goal of building a European judicial culture, as expressed in the Stockholm Programme and in several resolutions adopted by the European Parliament in 2009/2010'. See European Commission, Final report – Tender JUST/2012/JUTR/PR/0064/A4 on the implementation of the Pilot Project – European Judicial Training – Lot 3, Study on the state of play of court staff training in EU law and the promotion of cooperation between court staff training providers at EU level, 2014, p. 13.

The contract to carry out Lot 3 of this pilot project was awarded to a consortium consisting of EIPA – ECJL as the tender leader, as well as partners based in France, Spain, Germany, Poland and the United Kingdom.¹⁸

The main achievement of the study was to provide an understanding of the similarities and differences between the national court staff systems, how many court staff have been trained and the extent to which – as well as how – EU law is integrated into the training programmes. Through the study, court staff discovered that their profession is a training priority at EU level and that their contribution to an efficient and professional justice service for the benefit of citizens and enterprises is visible and of great importance.

2.3. Project Steering Committee

A Project Steering Committee supervised the implementation of the Project. This committee consisted of the Project Manager of the Project, the EJTN Secretary General, the chair of the EJTN Steering Committee, the EJTN Head of Office, the Director of EIPA-Luxembourg, the experts in judicial training and a representative from the European Commission.

2.4. Project Team

The day-to-day Project and specialist deliverables of the Study were managed by the Project Team.

The Project was led by a Project Manager from an EJTN member institution that trains court staff – the Director of the Belgian Judicial Training Institute (Institut de Formation Judiciaire/Instituut voor Gerechtelijke Opleiding). The Project Manager was responsible for the coordination, overall management and quality control of the whole Project. He also ensured that the timeframe of the Project was met, that the Project Team and the other stakeholders were responsive and that timely reporting to the Project Steering Committee and the European Commission was achieved.

He was assisted by a Project Coordinator, employed by EJTN, who oversaw the administrative component of the Project under the supervision of the Project Manager, and supported the Project Team in delivering the service. In particular, the Project Coordinator was entrusted with all day-to-day Project management and administrative tasks (i.e. logistics, administrative and financial aspects, reporting on Project activities, monitoring the timely delivery of responses to the Questionnaires from the team of National Coordinators) and the preparation of the drafting obligations set by the Study requirements (i.e. templates for the reports and the Study, and drafting the administrative aspects of Project reports).

The scientific component of the Project was entrusted to the Project's experts in judicial training, appointed by EJTN and EIPA. The judicial training experts operated as a team in close and continuous consultation and cooperation throughout the implementation of the Project. They outlined and finalised the three Questionnaires, reviewed and analysed the collected data, conducted a qualitative and quantitative analysis to prepare recommendations for improving training on EU law for court staff, and drafted the substantive parts of the progress and final Study Report. They also participated in the Project Steering Committee and Experts' Committee meetings, as well as the meetings organised with the team of National Coordinators.

¹⁸ In particular: Justice Cooperation International (France) representing the French National School of Procedure and the National Chamber of Bailiffs, the Centre of Judicial Studies (Spain), Saxony Ministry of Justice and European Affairs (Germany), the National Institute for the Judiciary and Public Prosecution (Poland) and the Scottish Court Services (United Kingdom).

2.5. Experts' Committee

An Experts Committee was set up to advise on the content of the Project. In particular, this committee advised, assisted and reviewed the drafting of the Questionnaires, provided advice on reviewing the answers received, and assisted and reviewed the final Study Report and its deliverables.

In addition to the Project's experts in judicial training, the Experts Committee consisted of five representatives of court staff training providers from different legal systems and different institutional set-ups of court staff training. The composition of the Experts Committee reflected the diversity of the court staff professions and their roles, different training schemes and represented their structural variations (national and federal systems), institutional set-ups (judicial schools, ministries and court staff training providers) and geographical diversity. The Experts' Committee's work was based on the findings and drafts prepared by the experts in judicial training.

2.6. National Coordinators (NCOs)

A team of National Coordinators (NCOs) was appointed by court staff training providers from each of the 27 European Union Member States. The NCOs played a central role in the data collection at national level, ensuring a timely and complete response to the three rounds of Questionnaires and follow-up questions. In addition to the data collection at national level, the NCOs will also be responsible for disseminating the outcomes of the Study once it is published.

The intense involvement of the NCOs and the quality of their work has been acknowledged on several occasions throughout the implementation of the Project, not only by the Project Team but also by the European Commission, the Project Steering Committee and the Experts' Committee.

3. Development of the Study: Meetings and Reporting

3.1. With the European Commission

The Project Team regularly updated the Commission about progress made. In addition to the meetings foreseen in the calendar of implementation and tender specifications, it sent a 'state of play' email in March 2020, July 2020, and January 2021 including the latest developments. The Project Team and the Commission also agreed to organise additional phone calls, video-conferences or meetings should there be a need to discuss specific issues following these emails.

3.2. With the Project Steering Committee

Following the inception phase, the Steering Committee took part in the Conference of NCOs before its first meeting within the framework of the Study. The members could meet the Project Team, the NCOs and the Experts' Committee. An overview of the Project implementation and Questionnaire 1 methodology was also presented. On 28 April 2020, the Project Team organised an informal online meeting to keep the members updated on the latest developments of the Project following the small group discussions with the NCOs on Questionnaire 2. In addition, the Steering Committee members also took part in the review of the progress report which presented the Study's progress to date, its limitations and risks, and the mitigation measures proposed. Finally, they met in April 2021 in order to comment on and approve the final draft Study that was submitted to the European Commission in June 2021.

3.3. With the National Coordinators (NCOs)

As key players in the success or otherwise of the Study, the NCOs were invited to communicate with the Project Team during each phase of the study, in addition to regular exchanges by email. They were invited to a kick-off Conference in January 2020 (see *section 4.2.*) with the objective of increasing ownership of and involvement in the Study. During plenary sessions and workshops they received first-hand information on how best to complete their tasks, and could discuss with each other and with the Project Team the strategies that would be used in their respective countries. A total of 26 NCOs from 23 Member States participated. Questionnaire 1 was launched shortly thereafter.

Before the launch of Questionnaire 2 at the end of April 2020, small group discussions between the NCOs and the experts took place online. The objective of the discussions was to present Questionnaire 2 and clarify its content and purpose. It also proved to be an opportunity to maintain the involvement of the team of NCOs and to show appreciation for the work accomplished for Questionnaire 1. A total of 26 NCOs from 22 Member States participated.

In October 2020, the Project Team organised two online Question and Answer (Q and A) sessions during the completion period of Questionnaire 3, on a voluntary basis. If they had any questions or queries while completing the Questionnaire, the NCOs could take part in one or both sessions and discuss them directly with the experts in judicial training. A total of 12 NCOs from 11 Member States participated.

3.4. With the Experts' Committee

Discussions with the Experts' Committee members took place before the launch of each Questionnaire and an additional online discussion was organised at the end of June 2020 to further discuss the analysis of the data collected for Questionnaire 2. In April 2021, they also took part in the review of the draft final Study Report before its submission to the Steering Committee. These meetings were of great assistance in obtaining the feedback and insights of the Experts' Committee members and discussing the scientific components of the Study. The Experts' Committee members mentioned on several occasions that they were impressed by the answers and efforts of the NCOs.

3.5. With the Project Stakeholders

The Project Team contacted two stakeholders, in addition to the group of NCOs: the European Bailiffs' Foundation (EUBF) and the Academy of European Law (ERA).

The Project Team tried to get in touch with the EUBF, keeping them informed regularly and welcoming any feedback or comments. The EUBF was informed of the launch of the Study. The Project Team contacted them again following the launch of Questionnaire 2 and Questionnaire 3. An online meeting was also suggested as an additional way for sharing information. Although the Project Team kept the EUBF informed, it did not receive any feedback.

The Project Team also kept ERA informed and welcomed its feedback. The ERA shared some information about the ERA-EJTN joint project on 'Better applying European cross-border procedures: legal and language training for court staff in Europe'. An online meeting was also organised with ERA at a later stage of the Project to share information on court staff training projects. The meeting provided first-hand information about ERA-EJTN joint projects on the use of justice instruments in civil and criminal matters: 'Better applying European cross-border procedures: legal and language training for court staff in Europe' (about which the Project Team had already received information), and 'Better applying European criminal law: legal and language training for court staff in Europe'. These projects will be referred to in more detail later in this Report.¹⁹

¹⁹ See 7.5 below.

4. Round 1: Questionnaire 1

4.1. Methodology

The **Round 1** methodology was designed a) to map the current range of court staff working in the EU (numbers, job titles, tasks, qualifications required for the post, appointment process) (Questionnaire 1A) (see para. 2.4 *Tender Specification*); and b) to obtain a preliminary view as to which categories of court staff do, or may, require training in aspects of EU law in order to carry out their tasks (Questionnaire 1B). To this end, the Project Team sent each NCO two sets of documents:

Set A: Factsheets providing summary information about the categories of court staff working in their respective jurisdictions at the time of the previous survey²⁰ (in 2014). The NCOs were asked a) to read each Factsheet carefully; and b) where appropriate (as in most cases) to update the Factsheet. Questionnaire 1A (**Annexe 2**) was drafted to allow NCOs to provide this information with a high level of precision. NCOs were also provided with blank Factsheets, as an alternative method for providing the information sought *de novo*. These blank Factsheets were widely used by the NCOs, reflecting the significant changes in job titles and tasks that had taken place since 2014.

Set B: A second brief Questionnaire (Questionnaire 1B) (**Annexe 3**) required NCOs to state, to the best of their ability, the levels of knowledge of EU law that each staff category identified in Questionnaire 1A would (or might) require in order to carry out their tasks effectively. The Questionnaire stressed that such an assessment should be based upon the actual tasks carried out by each staff member identified in Questionnaire 1A; and, in a further briefing, NCOs were encouraged to consult those within their jurisdictions (including the identified staff members themselves) as to the precise nature of any of their tasks that might require knowledge of EU law. To assist the NCOs in completing their Factsheets in a uniform and appropriately detailed manner, the Project Team provided each NCO with a template containing a model Factsheet, duly completed (**Annexe 4**).

The format of Questionnaire 1B was kept deliberately simple, to assist the NCOs in arriving at a ballpark classification that the Project Team could use in Round 2 of the Project when moving to an analysis of the training needs of each identified staff category. To this end, NCOs were invited to place each staff category in one of four boxes: **Type 1**, **Type 2**, **Type 3**, **Type 4** as follows:

- **Type 1:** Staff member performs tasks that require the application of EU law.
- **Type 2:** Staff member performs tasks that might require the application of EU law.
- **Type 3:** Staff member does not perform tasks that require the application of EU Law.
- **Type 4:** Unsure of position.

This methodology placed a high premium upon the reliability and accuracy of the data sought from the NCOs. This was a deliberate decision for three reasons:

- Each NCO had been carefully identified and selected by the consortium led by EJTN, in collaboration with the EIPA prior to the inception of the Project, either because of their deep existing knowledge of the workings of court management staff in their jurisdictions or because their position in their national administrative

²⁰ Supra at footnote 4.

hierarchy ensured that they had the authority and networks in place to obtain the information required, if it was not already available to them.

- By giving the NCOs this direct responsibility, the Project Team anticipated that the NCOs would become embedded in the Project as full participants from the outset, thereby acquiring a sense of ownership and responsibility for their part in the Project.
- The availability of accurate data from source would facilitate the subsequent work of the experts, working as a team, in their evaluation of the data received with a clear route of communication back to each NCO, should further clarification be required.

In order to give further support to the NCOs in collecting their data, the experts made themselves readily available throughout **Round 1** to answer any queries regarding the process emanating from NCOs, as filtered through the Project Coordinator.

Note on Germany

Germany is a federal country that consists of 16 different states (*‘Länder’*), and the organisation of the judiciary is almost entirely the responsibility of state governments. All courts and prosecution offices, except at supreme level, are *Länder* courts and prosecution offices. The name of the court staff professions and the tasks assigned to them differ from state to state. Moreover, the states are competent to put in place different recruiting channels and training schemes which can be even more decentralised than at state level. However, there are also strong common national elements, because the basic rules on the court system organisation and the main tasks of the respective professions are governed by Federal Law (e.g. the Courts Constitution Act [[Gerichtsverfassungsgesetz](#)], the German Judiciary Act [[Deutsches Richtergesetz](#)] for judges, and the Act on Senior Judicial Officers [[Rechtspflegengesetz](#)]). These Acts ensure that the overarching principles and the factual situation are largely comparable throughout the whole country. To avoid too deep a fragmentation and to make the best use of the capacity of the two NCOs who had to cover the whole of Germany, we decided to exemplify the German court staff training landscape using just three Länder that are considered representative of the whole country: Berlin, Baden-Württemberg and Schleswig-Holstein. This approach was agreed with the German Federal Ministry of Justice and Consumer Protection, which also provided the necessary domestic contact persons. Being aware that considerable regional differences might remain in the outreach and quality of the training due to the federal structure, the answers provided in our Study by three *Länder* are therefore put forward as exemplars for the whole country.

4.2. Kick-off Conference for NCOs

The Project Team organised a one-day kick-off Conference, which took place in Brussels on 21 January 2020, at the offices of the Belgian Institut de Formation Judiciaire/Instituut voor Gerechtelijke Opleiding, hosted by the Project Manager of the Project Team. All NCOs were invited to attend the Conference (26 NCOs participated, representing 23 Member States), the purpose of which was a) to introduce the Project; and b) to explain the proposed methodology for the Project in more detail to the NCOs face-to-face as a group. This event was also attended by the Project’s experts and Steering Committee, members of the Commission, and all the Project Team members. The Conference proved to be a highly interactive event and it helped to iron out a number of the details concerning the methodology upon which NCOs sought further clarification. Following the Conference, the experts sent out to all NCOs further briefing guidelines in response to NCO queries. The main issues at this stage were as follows:

- Relationship between Questionnaire 1A and Factsheets
- Amount of Information Required
- Language of the Responses
- Possibility of Time Extensions
- Classification of Court Staff with the Same Titles but Different Tasks
- Where to Seek Further Help and Advice

Annexe 5 sets out in full the answers provided by the Project Team to these NCO queries.

Questionnaires 1A and 1B were dispatched to all the NCOs on 24 January 2020, with a 4-week deadline by which responses should be returned.

4.3. Analysis

Once all the responses had been received from the NCOs, the experts set about analysing the responses, seeking further clarification where required, and in some cases challenging the **Type** attribution. In the few cases where the identified category was **Type 4** (Italy, Malta and Portugal), the experts sought further information from the NCOs before making their own determination as to which Type classification was appropriate. In Portugal, the category of Court Administrators had been classified by the NCO as **Type 4**, based upon the administrative tasks associated with the court's budget distribution and management. In Portugal, Court Administrators are also in charge of public procurement contracts not exceeding small amounts, and this process also involves handling tenders that might fall within the scope of EU rules on public procurement, if the budget exceeds a certain threshold. After discussion, the experts agreed with the NCO that this category should be classed as **Type 3**, as the role of EU law was exclusively limited to potential public procurement activity. Similar accommodations, but for different reasons, were achieved in discussions between the experts and the NCOs in Italy and Malta.

The experts decided that now was also the time to obtain data from NCOs concerning the approximate number of court staff in each category. This information can be found in the final column of the summary table of the categories by country (**Annexe 6 and 7**).

4.4. Issues and Challenges that Arose in Round 1

4.4.1. Questionnaire 1, Part B Completion

In the answers received, Part B was not always completed. In such instances, the Project Team invited the NCOs to review and complete Part B of the Factsheets and clarify any queries. When needed, it provided some examples on how to complete it.

4.4.2. Exempted Categories of Court Staff

The first task allocated to the Study in the Tender Specification (para **2.4 Tasks**) was 'to map in detail all the different court staff professions in the EU Member States and to define all their tasks in such a way that allows comparisons across Member States'. In the preliminary *ad hominem* discussions with the Commission, the Project Team persuaded the Commission that there would be some categories of court staff (drivers, maintenance staff,

court ushers, security staff, etc.) who, although technically falling under the broad definition of 'court staff', should clearly fall outside the scope and purpose of the study and be described as 'exempted categories': **Type 3**. The advice the Project Team subsequently gave to NCOs on this issue was as follows:

'All court staff must be initially listed in the Project. There are, however, some staff categories that will be excluded from further involvement in the Project (e.g. building maintenance and cleaning staff, security staff, court ushers) and no further information is required for these staff. We simply need to know their job titles and brief job descriptions. There are other staff members who are on the margins of the Project because their need for training in EU law is not immediately apparent. This group would include, for example, receptionists, typists, IT staff, court archivists. For this group of court staff, we ask simply that you complete a single Q1A/Factsheet headed 'General Staff', with a basic description of their tasks. Please also complete a single basic 1B Questionnaire covering all the categories of General Staff mentioned in the Q1A/Factsheet.'

The list of all 'exempted categories' by country has been added to the country packages as **Type 3s (Annexe 6 and 7)**.

4.4.3. European General Data Protection Regulation

Knowledge of the European General Data Protection Regulation [GDPR] is clearly essential for anybody working in the EU who is 'processing data' within the meaning of the Regulation. On the assumption that virtually every court staff professional will be required at some time to process data, it follows that virtually every court staff professional working in the EU requires training in this specific but limited aspect of EU law. The Project Team considered how to address this issue in the body of its Report, and decided that if knowledge of the workings of training in GDPR was the only aspect of EU law in which a particular staff category required training (see for example the responses from Bulgaria, Cyprus, Czechia, Finland and Slovenia), they would be registered as a **Type 3** category.

4.4.4. Misclassifications

In a few cases, the experts disagreed with the initial classifications provided by the NCOs and dialogue then took place between the experts and the relevant NCO to try to reach a consensus. Two examples of such a negotiation were between the experts and the NCOs in Cyprus and France. In both cases, the dialogue reached a satisfactory conclusion. A difficulty also arose where the classification by the NCO of a particular staff member was as 'court staff', but in the opinion of the experts the work of that staff member was exclusively judicial in nature, and under the principle of judicial independence should not be described as 'court staff'. Of particular note in this respect were, for example, the categories of judicial assistants and judicial trainees in Bulgaria, Czechia and Hungary. After a detailed discussion between the NCOs and the experts, a satisfactory resolution was reached in each of these cases. In Hungary, for example, while the posts were clearly judicial in nature, we kept them in the court staff category because this is how they are defined in Hungarian law. A particular case of misclassification occurred in the case of three categories of court staff in Spain: Intermediators, State Lawyers and Private Staff at Court, where, after discussion between the NCO and the experts it was concluded they should not be classified as 'court staff' for the purposes of this Study. This was because in the case of Intermediators the activity is carried out by various external professionals in the event a mediation actually takes place in the courts. State Lawyers are qualified lawyers who provide legal assistance to the State and Public Institutions under the direct authority of the Minister of Justice and are not therefore 'court staff' in the strictest sense. Private Staff at court do not have a stable

position in the court system, and most of them are independent professionals who can be called to act in court on a regular basis and at a specific time.

4.5. Functions of Court Staff Categories (Type 1 and Type 2)

During their meeting on 28 April 2020, the Experts' Committee proposed establishing four additional descriptors of court staff, based not simply on title and **Tasks**, but more broadly on their generic **Functions**, the performance of which could engage with EU law. The Project Team determined that this grouping of categories of staff according not only to their **Tasks**, but also to their more generic **Functions**, would facilitate the comparative analysis to be carried out in **Round 2**, designed to uncover areas across the EU Member States where training in EU law may be lacking but necessary.

The final phase of **Round 1** of the Study was therefore to implement the decision of the Project Team to group the categories into one of four generic **Functions**. This analysis was carried out exclusively by the experts and was based upon the data provided by the NCOs in their submitted Factsheets.

To identify which court staff correspond to **Type 1** or **Type 2** in individual Member States please refer to the **Country Packages (Annexe 7)**, which indicate for each court staff category what **Tasks** and **Functions** they perform, and implicitly therefore what type of training on EU law they might need.

We set out below the example of Belgium where an overview of the Court staff in Belgium is presented, including their Type and, when applicable, their Functions. Every Member State has their own **Country Package**.

Category	Type	Functions	Approximate numbers
<i>The Registry</i>			
Chief Clerk	Type 1	Functions 1/2/4	58
Clerks and Administrative Experts	Type 1	Functions 1/2/4	1,526
Clerks: Heads of Service	Type 1	Functions 1/2/4	118
Assistants	Type 2	Functions 1/2/4	1,187
Employees	Type 2	Functions 1/2/4	926
<i>Secretariat of the Public Prosecutor</i>			
Principal Secretary	Type 1	Functions 2/4	40
Secretaries and Administrative Experts	Type 1	Functions 2/4	795
Assistants	Type 2	Functions 2/4	899

Employees	Type 2	Functions 2/4	753
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Annexe 6 sets out the broad generic **Functions** ascribed by the experts to each identified staff **Category**, together with a brief description of the components of each **Function**.

The four broad **Functions** of court staff agreed by the Project Team, in discussion with the Experts' Committee were as follows:

4.5.1. Function 1 (F1) – Court Staff with Functions primarily related to the Administration and Management of the Courts

In all countries, court staff are involved in the organisation of various administrative tasks related primarily to the management of courts. Every Member State has a workforce of court staff working primarily or exclusively on tasks which include:

- Management and supervision of activities carried out by court staff in the Registry Service, IT experts and computer specialists.
- Monitoring the proper storage of judicial documents, papers and books.
- Collecting documents and statistical data.
- Receiving reports, complaints, alerts and proposals.
- Organising files and correspondence tasks.

In some jurisdictions (e.g. the Court Administrator in Bulgaria, Court Administration Manager in Croatia, Chief Clerk of Court in France, Court Chancellor in Lithuania, Registrar Director in Malta), certain court staff are also in charge of **human resources tasks**, for example:

- Participating in the court staff evaluation committee.
- Organising the promotion processes and procedures of court staff.
- Organising the initial and continuing training of court staff.
- Organising internships for law trainees.
- Organising the work of the jury and the initial training of the jury (where appropriate).

In other cases, court staff are responsible for **providing information to citizens visiting their courts**. This task can be related to information about access to justice and legal aid (e.g. in Portugal, Romania, Poland), but also more broadly to provide general practical information on the application of EU law instruments (e.g. in Belgium) to lawyers and citizens (e.g. in Greece). Court staff can also contribute to the E-justice tool (e.g. in Greece).

4.5.2. Function 2 (F2) – Court Staff whose Functions include providing Assistance to Judges in Case Preparation and Research

Questionnaire 1 responses provided a very good overview of the many tasks and responsibilities of court staff related to the assistance given to judges and prosecutors. Court staff are very often involved in national and cross-border cases related to civil and commercial matters, family law and criminal law. Despite the different titles, the tasks of court staff in supporting judges and prosecutors are comparable. In several countries, for example in Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, and Sweden, court staff prepare draft decisions and memos on legal questions. In addition, for example in Bulgaria, Germany, Romania, Slovakia and Slovenia, court staff may carry out scientific research on issues of national, European Union and international law, and on the jurisprudence of international and foreign courts.

4.5.3. Function 3 (F3) – Court Staff whose Tasks include some Judicial Functions

In some Member States, court staff tasks include the exercise of some limited judicial powers. For example, in Austria and in Germany, the Senior Judicial Officer who works at the courts, public prosecutor's offices and in the administration of justice is an independent judicial body that performs tasks assigned by law. The Senior Judicial Officer does not assist the judge, but works alongside the latter and may carry out various legal tasks, for example in land register matters, or making almost all entries in the commercial and association register; they may also be involved in family and guardianship court approvals; and in probate proceedings for the grant of inheritance certificates, the making of wills and the securing of estates; handle insolvency cases and conduct foreclosures. They are also often active in the enforcement of fines and prison sentences. The Senior Judicial Officer therefore has competence to make judicial decisions independently on the grant of payment orders, execution of court decisions, auctions of immovable goods, criminal cases, and enforcement of judgments in criminal matters; he/she is also competent to undertake administrative judicial tasks. In Croatia, certain court staff are responsible for representation of the state in proceedings for criminal acts punishable with a fine or a prison sentence of up to five years, and representation of the state before courts, administrative and other bodies based on a special power of attorney vested in the competent prosecutor. In Spain, Judicial Counsellors form a single higher national legal entity, working within the Justice Administration attached to the Ministry of Justice, and perform their duties as judicial authorities on an independent basis. By law, they carry out technical and procedural administration in relation to all staff of the Judicial Office, and also exclusively and independently provide legal attestations. They hold the status of executive staff of the Justice Administration.

Another important task related to judicial Functions that has been found to exist in various countries refers to the competence of certain categories of court staff to enforce court decisions and authentic instruments (e.g. Croatia, France, Hungary, Italy, Luxembourg, and Romania). Questionnaire 1A demonstrates that this Function is very often linked to the need for knowledge of aspects of EU law in order to perform those tasks. In addition to the above examples, NCOs provided examples of court staff with limited judicial functions in several other countries, including Bulgaria, Cyprus, Czechia, Estonia, Ireland, Latvia, Lithuania, Malta, Netherlands, Portugal, Slovakia, Slovenia and Sweden.

4.5.4. Function 4 (F4) – Court Staff whose Tasks include Procedural Functions of a Cross-border Nature

The answers provided in Questionnaire 1A also indicated that a considerable number of court staff are responsible for the application of EU Regulations on the taking of evidence in civil and commercial matters, together with the supervision of files and transmission of documents in civil procedures, related in particular to the service of judicial and extrajudicial documents under the Service of Documents Regulation. The tasks related to the application of European legislation are mainly concerned with the issuing and completion of the forms, as well as verification of the Regulations' requirements. There are significant numbers of court staff performing tasks related to the application of EU instruments. The main fields of EU law described in Questionnaire 1A were identified as follows:

- Cross-border civil and commercial disputes.
- Cross-border family disputes.
- Cross-border criminal procedures.

The main tasks of those applying this **Function**, as revealed in the NCO responses, included:

- Completion of court documents related to the European Small Claims Procedure, European Payment Order Procedure, European Account Freezing of Assets Order, European Certificate of Succession.
- Filling in forms related to the enforcement of court decisions under the Brussels I bis, Brussels I bis recast, Brussels II bis Regulations, and Maintenance obligations.
- Completion of court documents related to European Arrest Warrants, Extradition Agreements, Detention Orders and judicial assistance.
- Coordinating cross-border activities related to SIS alerts, contacting the Member State that issued the alert when a match (hit) has been found and the required action has been taken.
- Contacting the Member State that issued the alert when the required action cannot be taken.
- Contacting the Member State that issued the alert when a match (hit) has been found and the required action has been taken.
- Coordinating cross-border activities related to SIS alerts.
- Acting as contact points with Interpol, SIRENE, Eurojust, the European Judicial Network (EJN) (oral and written communications).

Annexe 6 demonstrates that the great majority of EU Member States employ court staff whose core tasks involve carrying out several of these **Function 4** activities.

5. Round 2: Questionnaire 2

5.1. Background

Nearly ten years ago, the 2011 European Parliament's Policy Department Study on Judicial training in the European Union Member States²¹ recognised that access to and participation in continuing training programmes is a right and a responsibility of court staff, and recommended that appropriate measures be taken to allow court staff participation in EU law training for a minimum number of hours per year. At that time, as the Study reported, EU law was included in the initial training of about half of judicial staff across the EU – including court staff. As for continuing training, the study noted that 63% of court staff accessed EU law in their continuing training. Since the 2011 study, reports on the state of judicial training across the EU Member States have been published annually. One of the most recent reports, the Report on European Judicial Training, published in 2018 by the European Commission, noted an increase in the number of court staff participating in EU law training activities. As to the length of these activities, the Report suggested that most initial and continuing training lasts for 2 days.²²

5.1.1. Content of the Chapter

In this Chapter, we provide our own overview of the state of European court staff training activities in EU law in 2020–21, for court staff **Types 1** and **2**. We refer only to **Type 1** and **Type 2 staff** as these are the only court staff we have identified as requiring (or potentially requiring) a knowledge of EU law to fulfil their professional responsibilities. Training provided to **Type 3** court staff is therefore not included in this section, as it falls outside the objectives of this study [for a full list of **Type 3** staff see **Annexe 6** and **7**]. To avoid confusion, we refer hereinafter to our target group as **court staff (T1/T2)**. The topics we cover in this chapter are as follows:

- Whether and to what extent EU law is included in court staff's initial and continuing training?
- In what areas of EU law is training provided?
- Who provides this training?
- Are the trainers trained as trainers?
- Which are the most used styles of delivery (face-to-face, online, blended) and methods used (e.g., case studies, simulations)?
- If and how is training evaluated?
- What (if any) training activities are carried out in conjunction with other legal professionals?

The overall objective of this Chapter (supplemented by Chapter 6) is to provide an analysis of current EU law training provision to enable us (in Chapter 7) to subsequently make recommendations on the measures that need to be taken in order to address relevant weaknesses in court staff (**T1/T2**) training, in terms of training availability, duration, quality and efficacy of delivery.

²¹ Full text available at https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/453198/IPOL-JURI_ET%282011%29453198_EN.pdf.

²² Full text available at https://ec.europa.eu/info/sites/info/files/2019_judicial_training_report.final_web_.pdf.

5.2. Overall Methodology

Our mapping exercise began as in **Round 1**, with a Questionnaire (**Q2**) containing both closed ('yes'/'no') and open-ended questions: the full Questionnaire is available in **Annexe 8**. In preparing the Questionnaire, we sought the input of the Experts' Committee, to help us decide which questions to include, and how best to formulate them. The Experts' Committee included professionals from EU and national institutions, as well as training bodies, with expertise in judicial training. Consultation with the Committee provided an opportunity to pilot the Questionnaire in advance and make appropriate amendments. Once the Questionnaire was sent to the NCOs, they were given the opportunity to ask for clarification where any of the questions was unclear. Thereafter, the experts were in regular contact with the NCOs via the Project Coordinator to ask for clarification wherever the information provided was insufficient or unclear.

Following the collection of results, the research team conducted both a quantitative and qualitative analysis, in order to provide a complete picture of the extent to which further training in EU law is needed for court staff (**T1/T2**) as well as the extent to which further training is needed for trainers.

5.3. Whether and to what extent is EU law included in Court Staff's initial and continuing training?

The objective of this section is to provide an overview of the state of play on the provision of EU law-related topics in court staff's *initial* and *continuing* training. We first address the question: Is EU law incorporated into the training curriculum of EU court staff (**T1/T2**) across Europe during their *initial training*? This question reflects the concern of the Council of the European Union that 'Member States should strengthen training for new justice professionals on EU law, for example on the role of EU law in their national system and on the rule of law *acquis*'.²³ Of 27 respondents, 15 (56%)²⁴ positively answered that EU law is offered in their induction training courses for court staff (**T1/T2**). Therefore, in more than half of EU Member States, EU law constitutes an integral part of the *initial* legal education of court staff (**T1/T2**). At the same time, in almost half of EU Member States (12, i.e. 44%), EU law is not part of the educational portfolio for public officials/civil servants (**T1/T2**) who work in the national judicial system. While we investigate the reasons for the exclusion of EU law from the initial training court staff in some countries in the next chapter, here we provide a provisional explanation based on anecdotal evidence. There might be the assumption among training and development managers that the new post holder has already acquired relevant knowledge in EU law as part of their undergraduate and/or postgraduate training before taking up their role as court staff. More than an assumption, some of the answers indicate that court staff do not receive training in EU law upon taking up their post because relevant topics are covered in Bachelor and Master courses. If this is the case, however, it is important to remember that EU law is an ever-evolving field and, for that reason, the court staff's preparation during their higher education might be out of date. This same observation has already been made in the above-cited 2018 study.²⁵ The cited study pointed out that tertiary education often focuses on the 'know-what', rather than the 'know-how' type of

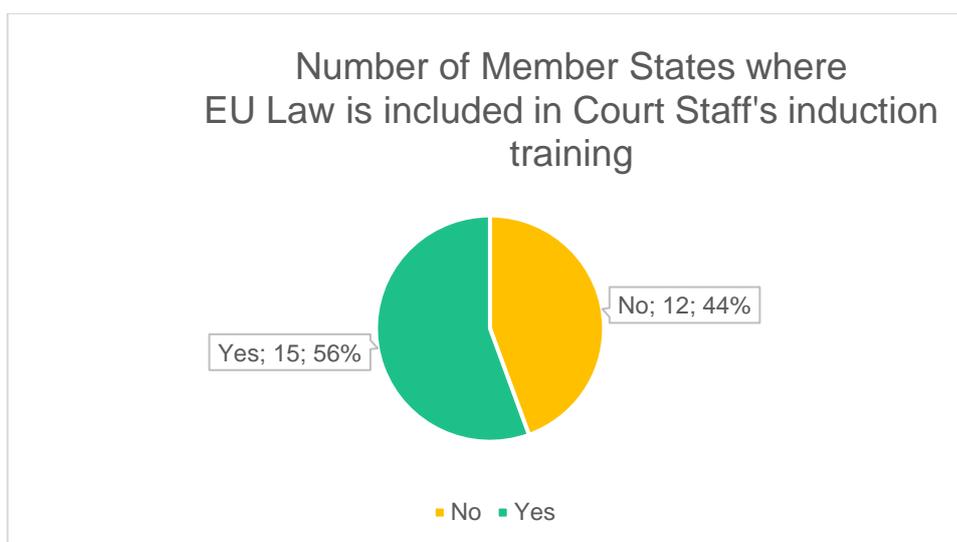
²³ Council conclusions Boosting Training of Judicial Professionals as approved by the Council via a written procedure on 8 March 2021. The full text can be found at the following link <https://data.consilium.europa.eu/doc/document/ST-6926-2021-INI/en/pdf>.

²⁴ Please note that in all Member States where EU Law is offered at the induction training, not all functions receive training. Here, we indicated 'yes' where at least one function received training. For further details, we invite readers to refer to Annexe 10. In addition, in the case of Germany, we have used the answers received from Berlin as our model, but further details are included in Annexe 10.

²⁵ Above-cited proposal Council conclusions Boosting Training of Judicial Professionals (p.6), footnote 23.

knowledge, concluding that ‘Knowledge of EU law should be updated on an ongoing basis’, and ‘trainees should at least learn about its practical application in the course of their initial training (p. 13)’.²⁶ In addition, it is important to note that not all court staff begin their career straight after graduation in a relevant field. Our provisional recommendation (see below at 7.10), therefore, is that initial training should cover both the basic and the latest developments, together with their practical application in different areas of EU law. By way of illustration, the latest developments in international judicial cooperation (for example, following Brexit), or in the area of digital justice require that court staff be trained and updated in these emerging areas from the very start of their appointment.

Table 1. Number of Member States offering EU law as part of court staff (T1/T2) induction training²⁷



Where EU law is part of the *initial* training, in the majority of cases (9 out of 15) the training is compulsory, rather than voluntary.²⁸ This suggests that, in these national contexts, the system for legal education of court staff (T1/T2) assumes that EU law should be a *foundational* and *integral* part of the court staff knowledge. The average amount of hours of EU law offered in induction training – whether compulsory or voluntary – varies greatly between different settings, from a minimum of 1 hour up to 34 hours. This creates a great disparity in the level of knowledge and expertise between court staff (T1/T2) across Member States and could ultimately result in less efficient cross-border cooperation in civil and criminal matters. Furthermore, a critical reflection based on needs assessments is urgently needed as to what is a sufficient amount of training that court staff (T1/T2) should receive (see below at 7.10).

With regard to *continuing* training, the situation is markedly different, as in the vast majority of cases court staff (T1/T2) do receive training in EU law. Regarding the length of the training, this also varies greatly from a minimum of 1 hour to a maximum of 220 hours. One respondent indicated the length of the training (4 weeks) rather than the number of hours.

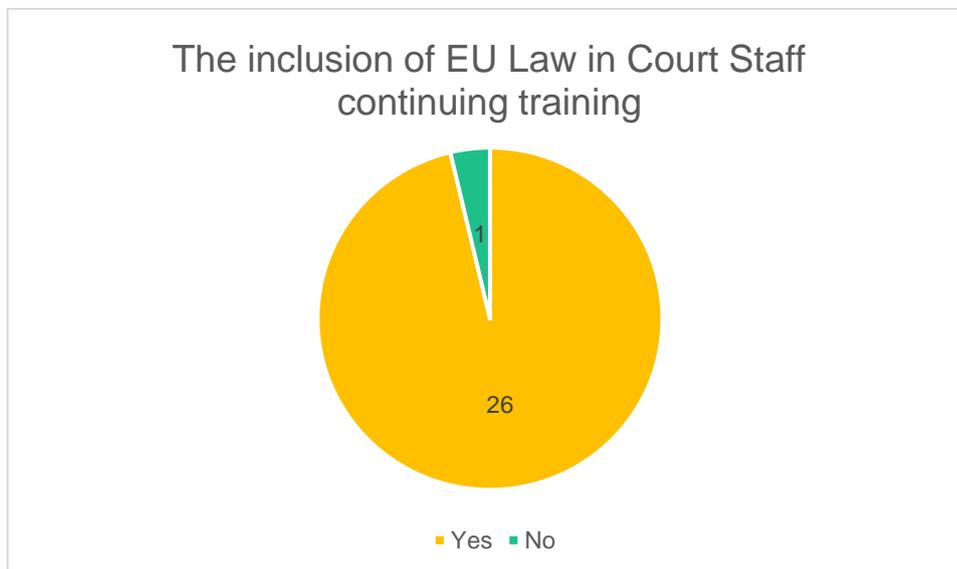
²⁶ The full report can be found here https://www.ejtn.eu/PageFiles/18504/2018%20Training%20report_v2_EU_en.pdf.

²⁷ Please note that, in interpreting and reporting our findings, we have reported as ‘no’ those cases in which EU Law is not systematically included in the induction training curriculum, but rather it is offered – either as compulsory or as strongly advised – in specific, individual cases. For example, in four cases, although EU Law is not part of the induction training, this is advised in specific cases or included in specific curricula, for example if the court staff member is preparing for the bar exam.

²⁸ In the case of Sweden, whether the training is compulsory or voluntary depends on the function.

In some cases, the number of hours is not fixed, but rather tailored to the specific needs of the court staff.²⁹

Table 2. Percentage of Member States offering EU law as part of the court staff continuing training³⁰



The inclusion of EU law in continuing training has an important added value for the judicial training of European court staff (**T1/T2**). This is because relevant knowledge can substantially improve the security, efficiency and transparency of EU judicial systems. While recognising the relevance of EU law for appointed post-holders, participation in such training is in most cases on a voluntary basis, although in some cases the training duration and topics are tailored to the specific needs of particular court staff. **Continuing training is only compulsory in seven Member States.**³¹

²⁹ For Germany, the answers included are from Berlin, but further information can be found in Annexe 10.

³⁰ Please note that in some countries, for example in Lithuania, only some of the functions receive training in EU law in continuing training.

³¹ According to the European Commission's 2020 Annual Report on the Training of Justice Professionals in EU Member States, the percentage of court staff practitioners participating in continuing training activities on EU law and on the law of another Member State (as a proportion of court staff) in 2019 was approximately 6.40% (21,216) of all court staff working in the respondent Member States. This figure clearly does not align with our findings, but this is likely to be because, unlike in our study, no distinction is made between court staff who need such training and those who do not.

5.4. In What areas of EU law is Training provided?

Our respondents listed the areas of EU law that are currently covered in their training activities:³²

- Cross-border civil procedures
- Cross-border commercial procedures
- Cross-border criminal procedures
- International cooperation in civil matters
- International cooperation in criminal matters
- International cooperation in land and mortgage register matters
- International cooperation in family matters
- Service of judicial and extrajudicial documents
- Procedural rights in criminal procedures (such as access to interpretation and translation, access to a lawyer, access to information, etc.)
- Evidence in civil and commercial matters
- The execution of letters rogatory
- EU law aspects of enforcement of court decisions
- EU Human rights (access to justice, rights of the child, rights of the victim, etc.)
- Gender rights
- Cross-border e-justice (video-conferencing, online procedures, etc.)
- Linguistic skills
- European Public Prosecutor's Office (EPPO)
- Public international law
- EU legislative process
- The role of the EU Commission in national proceedings
- Internal market
- Environmental law
- Agricultural law

³² Germany: Following an EJTN consultation about the training needs of judges and prosecutors, the Federal Office of Justice of Germany provided additional information regarding the training needs of the Rechtspfleger. The relevant paragraph is the following one:

Special requirements for officials with certain judicial powers (Rechtspfleger): civil law: enforcement of foreign titles; enforcement abroad, European declaration of enforceability/recognition of foreign titles, request for legal assistance (letters rogatory) in civil and criminal law and land register law: Private International Law, proof and representation of foreign legal persons, representation of minors and incapacitated persons, land register law and contact with foreign law; guardianship; law with foreign dimensions; family law (matrimonial property regimes, European Regulation on Property Rights); inheritance law: International Inheritance Law, European Inheritance Law Regulation, European Certificate of Succession.

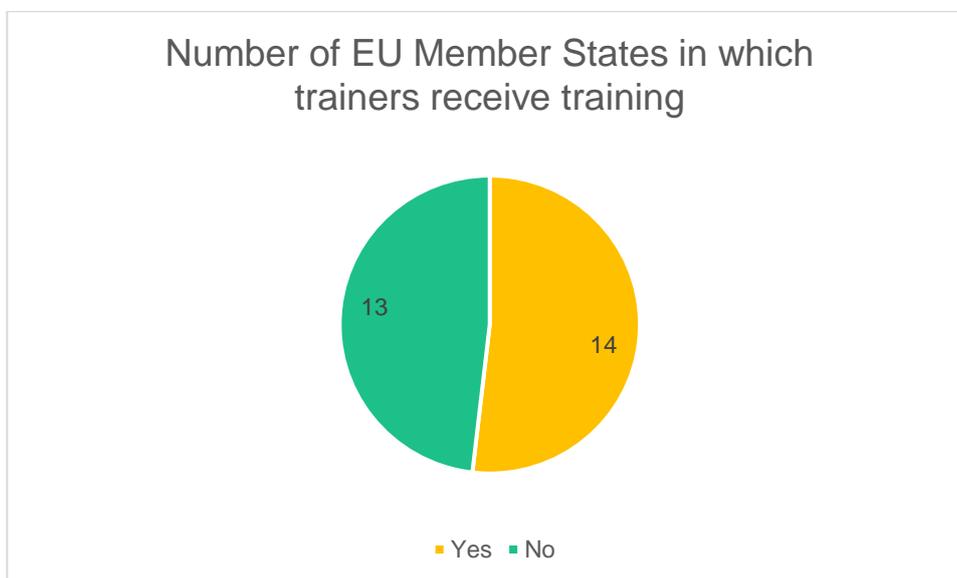
5.5. Who provides this training?

Different actors are involved in the provision of EU-law-related training. Initial and continuing training is provided by the courts themselves, by national judicial training institutes, national schools of public administration and private companies. Where training is not provided by the courts themselves, or by training centres under the Ministry of Justice, national schools are involved. These either specialise in judicial training, such as in the cases of Cyprus, Czechia, France and Romania or, more rarely, they can be schools of public administration offering relevant courses, such as in Italy and Germany. Overall, national judicial training institutions (including schools, academies, training centres) are the biggest players in court staff training.

As far as the professionals delivering the training activities are concerned, these have very different backgrounds. They include legal professionals such as judges, lawyers, public prosecutors, state attorneys, magistrates, court officers and clerks. There are also experts, practitioners and trained academics who contribute to the training, together with non-legal experts including, law enforcement agents, forensic experts, public administration managers, public procurement specialists, communication bureaus, psychologists, actors, judges, state prosecutors and academics (including postgraduates and professors) who deliver training activities in most of the Member States.

5.6. Are the trainers trained as trainers?

Table 3. Number of Member States in which Train the Trainers activities are provided.



In the majority of Member States, trainers receive some training. However, this is in many cases voluntary. It is now generally accepted in professional training circles that training requires a set of specific skills, in which trainers need themselves to be trained; Understanding group dynamics, being sensitive to the range of individual learning styles, having a clear grasp of current learning technologies, including a digital toolbox. Such skills are learnt, and cannot necessarily be acquired 'on the job'. Being an expert in a subject does not necessarily equip an individual to train others in that subject.

EJTN has defined the key tasks of a judicial trainer in the following terms.³³ Clearly, many of these tasks require specialist training for the trainer to be truly effective:

- To interact with (trainees) as capable and self-directed persons.
- To create a pleasant and positive learning environment in which the trainees feel that they are the protagonists.
- To actively involve trainees as much as possible, including subtly drawing in particularly uncommitted or secluded participants.
- To devise individualised teaching and learning strategies that allow tailor-made training for each and every trainee.
- To use a wide variety of interactive, practice-oriented and experiential methods and techniques (for example discussions, buzz groups, simulations, problem-solving activities or case studies).
- To foster and enhance teamwork.
- To enable the trainees to cope effectively with real-life situations.
- To awaken the full potential of each and every attendee.
- To give well-focused and constructive feedback allowing an immediate reaction.
- To boost trainees' motivation by way of internal stimuli (for example, desire for increased job satisfaction, self-esteem).

According to the findings of our survey, **Train the Trainers** programmes are available for trainers to attend in 14 Member States, though in several states attendance is optional. The Member States who currently offer Train the Trainers programmes are the following: Belgium, Bulgaria, Cyprus, Czechia, Estonia, Finland, France (but not for EU law courses), Greece, Latvia, Netherlands, Romania, Slovenia, Spain and Sweden.

We set out below a summary of the Train the Trainer programmes that are currently offered to EU trainers who provide training to **T1/T2** court staff on EU law within the EU Member States.

Belgium

The Belgian Judicial Training Institute (IGO/IFJ) organises a **Train the Trainers** course twice a year for all speakers and trainers who regularly or occasionally give courses (including on aspects of European law) on behalf of their organisation. Each course lasts for one day. The aim of this one-day programme is to enable the participants to pass on their expertise to a group of colleagues, trainees, and collaborators, taking into account the characteristics of adult learning and their motivation.

The pedagogic objectives are:

- To define and write operational pedagogic objectives.
- To be able to identify what is expected of participants in terms of learning, and to communicate it clearly to them.
- To motivate the audience through participatory pedagogic methods.

³³ *EJTN Handbook on Judicial Training Methodology in Europe*, 2016.
https://www.ejtn.eu/Documents/EJTN_JTM_Handbook_2016.pdf.

- To optimise the course material (principally PowerPoint), to ensure it is a pedagogic tool, facilitating participants' learning.

The methodology used includes:

- Ex-cathedra presentations
- Participatory sessions
- Inductive sessions
- Illustration through cross-cutting examples

The number of participants per session is limited to 15 people.

Bulgaria

Since 2007, the National Institute of Justice (NIJ) has organised **Train the Trainers** courses for court staff. The participants are selected on a voluntary basis or are proposed by the NIJ staff. Participants are mostly experts in the particular field of interest (for example – in judicial cooperation, on soft skills topics, etc.), or are experienced court clerks, who want to become judicial trainers. The aim of the training is to establish and develop the capacity of teaching court staff (from both the specialised and the general administration) to implement all advanced principles and techniques of adult learning. During the course, the trainees will gain a general understanding of how to organise a face-to-face learning session, how to set up a step-by-step schedule and a course timetable, how to develop an attractive and informative multimedia presentation and, last but not least – how to act as trainers before the audience. The **Train the Trainers** course has been additionally enhanced with topics such as the use of synchronous online learning (webinars) and asynchronous distance learning (via the NIJ Moodle platform). The average duration of the **Train the Trainers** course is 5 days, conducted in two modules. *Due to the Covid-19 pandemic, the face-to-face training course has been transformed into a Moodle-based course, with an approximate duration of 1 month.*

Cyprus

A two-day **Train the Trainers** course has been provided to the Cyprus Judicial Training School by specialist trainers from the Judicial College in London. The course covers a number of topics including teaching methodologies, the role of trainers, the role of facilitators, learning styles and group dynamics, setting aims and learning outcomes, course planning, course documentation and evaluation.

Czechia

The Czech Judicial Academy has created and coordinates a working group for the purposes of identifying the real training needs of court staff. The working group has regular meetings and consists of court staff senior managers who are responsible for training staff at courts and at prosecutors' offices. In cooperation with the working group, the Czech Judicial Academy offers, inter alia, a **Train the Trainers** scheme. At present, **Train the Trainers** schemes include four workshops on methodologies, conducted at the courts. In the workshops, the trainers are taught how to use syllabuses, training materials, e-Learning

modules, and instructional videos developed by the Czech Judicial Academy for training court/judicial staff. The programme of each workshop is scheduled for 2 days. The scheme is now prepared in two formats – in a face-to-face format and in an online format.

Estonia

Prosecutors: The **Train the Trainers** courses for prosecutors in Estonia are premised on the belief that skills for training adults are dependent on the special features of adult learners, who require bespoke training methods and expertise in the use of digital devices. The courses include the following topics:

- Training building upon the main principles of adult training
- The special features of an adult trainee
- Theories on the classification of adults as trainees, including an overview of learning barriers emerging in the course of the training process
- Training design, including the preparation of curricula, the process of training design-targeting, choice and analysis of the form
- Methods of training, planning of schedules
- Overview of stages of the training process
- Principles of choosing training methods
- Techniques for the involvement of trainees and making training more attractive
- Digital tools for the involvement of trainees, for example, Zeetings, Polly, Padlet, Polleverywhere
- Assessment and analysis of the training events, plus feedback on the training activities by both trainees and trainer
- Reflective practice as a trainer

The key learning outcomes of the course should enable participants to understand the special features and potential learning barriers of adult learners; to be able to choose training methods and, if necessary, digital technologies, taking into consideration any special features of adult learners based on stage in the learning process; to have prepared one outcome-based curriculum in which the special features of adult learners are considered; and to have prepared a training plan in accordance with an outcome-based curriculum that contains justification for the choices of training methods based on the special features of adult learners, and contains the principles of its assessments and assessment methods.

Participants also engage in independent work across two modules. This might include describing one comprehensive training activity (providing prior information, delivery of the content of training, assessment, etc.) that recognises the special traits of an adult trainee, has been supported by technology (technologies) and is related to output in the curriculum.

The course designer and lead trainer has multifaceted experience as a trainer in Estonia and abroad, having trained and consulted in both public and private sector organisations.

Courts: For courts' staff, the **Train the Trainers** courses entail one-day seminars, the last of which was held in 2018. The seminars focus on the use of active teaching methods in the service of judicial training and are held by the members of the Institute of Education at the University of Tartu.

Finland

The contents of the **Train the Trainers** courses in Finland vary each year, in order to ensure that the course is as practical as possible and remains interesting. Normally the course lasts two days, including dinner so that the trainers can bond and network with each other. In previous years the topics have included:

- A trainer in digital time, best practices, etc.
- How do adults learn?
- Practicalities of a training organisation (what is needed in the background to organise a training event)?
- How to make a powerful presentation, how to influence with text?
- How you train experts?
- How to plan a training day?
- How you increase the effectiveness of training?
- What kind of participatory methods exist and when and how to use them
- Learning design

Greece

In Greece, the trainers are usually judges and prosecutors who are appointed to a courthouse, or a prosecution office. As nominated trainers, they attend courses in the National School of the Judiciary (as trainees in all the subjects of EU law) and participate in national seminars (held in the School) or European seminars (held by EJTN). But these courses are on substantive law and procedure and do not include courses in wider training skills, pedagogy and training methodologies.

Hungary

'The **Train the Trainers** courses are fundamental to our judicial training programme. We use this type of training mostly when there is a major change in procedural law (new civil, criminal code, etc.) or other major changes in the legal system, which require central coordination and education. After a centralized training event at the Hungarian Academy of Justice, the trainers present this new knowledge locally. For assistant and trainee judges there are no separate training events of the **Train the Trainers** type; they learn together with the judges. It is a theoretical possibility for them to become trainers, but senior judges are mostly selected for sharing new knowledge. The length of this type of course is usually 2-3 days'.

Latvia

In Latvia, **Train the Trainers** programmes have been developed ‘to support trainers in developing the skills that are necessary to meet the contemporary pedagogical requirements of adult training’. These programmes do not teach EU law, or any law topic, but rather cover such topics as lesson design, interactive methods, public speaking, argumentation, and stress management.

Netherlands

The Dutch training body, Studiecentrum Rechtspleging (SSR), has several **Train the Trainers** programmes for tutors, mentors and coaches (practical trainers in the workplace) and face-to-face formal trainers. Although the trainers come from a wide variety of backgrounds, including judges and prosecutors, university teachers, lawyers, psychologists, communication experts and police officers, the majority of the trainers on these programmes are judges and public prosecutors. Two programmes are offered, both of which focus on didactic rather than legal topics. Currently voluntary (unless a trainer has been identified as being in need of further training through the post- course evaluation process), it is intended that in the future attendance at these programmes will be compulsory for all SSR trainers. In outline, the programmes cover:

- Basic training (one day) consisting of training on didactic skills.
- Deepening training (one day), on further didactic skills.

SSR is developing a third programme, an online course on teaching in the digital world.

SSR has also developed a ‘first aid kit’ for teaching in difficult situations.

Romania

‘**Train the Trainers** courses are provided by the National School of Clerks (NSC) in Bucharest. The School’s trainers are mainly trained by in-house training personnel within the department of **Training of Trainers**. These activities focus on various training methods and techniques and, as a rule, are targeted at newly recruited trainers. For instance, participants are instructed with regard to the most effective teaching methods that are to be employed during professional seminars aimed at an adult audience (case studies, exercises, demonstrations, problematization, etc) and in the use of modern training tools (video projector, flipchart, specific software designed to keep records of judicial activities within courts and prosecutors’ offices). The training activities take the form both of one-day face-to-face sessions and also of a few week-long e-Learning training classes. Both forms of training are also combined into a blended learning training format, as a third type of training.

One of the main issues that continuously hinders the **Train the Trainers** activities is the lack of national funds provided for its delivery, which has so far led to running programmes funded exclusively by the School’s trainers themselves as the School’s budget does not cover expenses generated by travelling, accommodation, meals and trainers’ fees.

As the network of active NSC trainers is currently comprised of approximately 180 people who do not have, for the most part, any kind of formal teaching training, it becomes obvious that the need for **Train the Trainers** activities is increasing and can no longer be covered through the efforts of the personnel within the Department of **Train the Trainers** alone, in the context of the total lack of national funding for this purpose.’

Slovenia

'The Slovenian **Train the Trainers** programme is usually carried out in the form of seminars and workshops organised several times a year, depending on the Annual Work Programme. The seminars and workshops last 2 days and include topics that help trainers provide their training effectively including the following:

- Getting to know each other, discussing different types of learning environments.
- Principles, methods and approaches of trainers and moderators (defining the target group).
- The role of a trainer and moderator at an event (the training process is called '5 fingers').
- Methods and techniques of interactive training and learning (methods of presentation, elements of a successful presentation, developing skills in terms of asking questions, techniques of forming groups).
- Planning a learning environment (applicable to individual plans of trainers and moderators).
- Defining a learning environment, training cycle.
- Considering the teaching principles in creating a course for adults.
- Phases in planning a course, defining learning outcomes.
- 'Icebreaker' teaching methods for active learning.
- Individual action plans.
- Preparing for public speaking, integral parts of public speaking.
- The importance of the first and last impression, the characteristics and meaning of non-verbal communication in public speaking.
- The activities of the trainer and the activities of participants, roles of the trainer.
- Recommendations for creating ICT-supported presentations.'

Spain

In Spain, the most recent **Train the Trainers** programme consisted of a 70-hour course which was implemented over a two-month period. The objective of this course was to enhance the skills of the teaching team to develop the contents of the initial training course for judicial counsellors in a digital format because the format of the selective course was changed from face-to-face mode to an online mode as a result of the pandemic. The lead trainer of the course was a member of the School staff (the head of area for the selective courses) and it was conducted as an online seminar (streaming sessions, recordings, debates, individual work and activities in groups). The course contents were as follows:

Welcome

Course guide; netiquette; how to complete/update profile information; attitudes towards thinking and learning; digital competence.

Module 1: e-Learning Process

Phases of instructional design; itineraries of learning, scaffolding and progression; materials; methodology; reflection on the transition from face-to-face to online training; planning the objectives; distribution of the academic load.

Module 2: Content Design

Bloom taxonomy; SAMR model; tools for content creation; recording tools; quality of materials resources and tools; lesson contents; additional lesson contents.

Module 3: Creation of Tasks, Activities and Projects

Learning islands or communities?; tools for designing tasks, activities and projects; quick guide to creating a project; lesson tasks, activities and projects; additional lesson tasks, activities and projects.

Module 4: How to Evaluate

Diagnostic, formative and summative evaluation; self-assessment, co-assessment, 'hetero-assessment'; evaluation instruments including online evaluation in higher education at the time of the Covid-19; final evaluation of the subject.

Additional Contents

Copyright and licences; how to quote or reference images and figures according to APA standards; data protection; protect yourself in the network; UNESCO: education and teaching skills; the school after the pandemic; digital toolbox; routines and strategies of thought, discourse, formative evaluation, understanding and metacognition; useful information about the digital certificate: how to request and install the digital certificate and tutorial for the installation and use of auto-signature.

Sweden

Train the Trainers courses are offered by Enheten för lärande – another unit of the Swedish National Courts' Administration that offers general training to all categories of court staff. There are currently two **Train the Trainers** courses about pedagogy in practice, one an e-Learning course, the other a one-day session course.

The e-Learning course lasts 30 minutes and is aimed at teachers who are active in the Swedish Courts. The course covers strategy for skills development, timetabling as a tool, learning objectives, learning cycles and learning styles, adult learning and various training methods. After completing the e-Learning course, the participants should be aware of various factors that affect the learning and structure of training, being able to:

- State the significance of set learning objectives.
- Describe the learning cycle and different learning styles.
- Define what is specific to adult learning.
- Identify other factors that affect learning.
- Describe different methods of teaching.

The one-day course is aimed at teachers who are active in the Swedish Courts Administration and the Judicial Training Academy. The course deals with, among other things, adult learning, learning objectives, methodology and the planning and execution of education. The teaching methodology is interactive and alternates between theoretical

elements, practical exercises, exchanges of experience and reflection. After completing the course, the participant should be able to plan and carry out teaching that supports course participants' own learning, including being able to:

- Explain how the existence of different learning styles affects the choice of methodology.
- Describe how teaching methods can create active course participants who are given the opportunity to link new content to their own experiences.
- Account for how you as a teacher can create presentation material and learning situations that facilitate learning for course participants.
- Explain how teaching time can be used and be able to use different teaching methods for course participants to achieve set learning objectives.

5.7. Training Methodologies

In March 2021, the Council of the European Union, in its report on the current state of training for justice professionals, made this specific observation regarding training methodologies:³⁴

(We) urge national professional bodies and their training providers to follow and apply the new developments in training methodology, to increase training quality by better identifying professionals' needs, evaluating the effects of training and applying modern methods and tools including digital tools, and to motivate the judiciary and professional bodies to become learning organisations, for example by promoting on-the-job learning.

In this section, we analyse the appropriateness of the training methodologies currently used across the European Union to deliver court staff training, and in later sections we address the issue of evaluation. Most responses gave us sufficient information to make an informed assessment on this issue. As a preliminary aspect of this assessment, we considered two important studies dealing specifically with appropriate methodologies for delivering effective training needs to individuals, including court staff, in the execution of a range of professional tasks.

The first study is summarised below in a Table produced by the Judicial College of England and Wales and published in 2018.³⁵ The Table provides a comprehensive summary of the range of training methods used in today's typical training settings, together with a summary of what each training method can achieve, and the perceived limitations of each method.

³⁴ Supra footnote 1 at paragraph 13.

³⁵ The Judicial College is the body that provides training to the judiciary at all levels in England and Wales, and in some cases also in Scotland and Northern Ireland. This Table was published in 2018 by the UNODC (Vienna) at Part V (Training Methods) of *The Judicial Conduct and Ethics Trainers' Manual*.

Table 4. Judicial College Table of Analysis of Training Methods

METHOD	WHAT IT CAN ACHIEVE?	LIMITATIONS
INDIVIDUAL APPLICATION		
Mentoring A more experienced individual acts as a guide (e.g. in a new role/task).	Positive role model. Gives practical support and guides learning. Provides an opportunity to question, test, and experiment.	Mentor matching may not take account of personality, ability to work at one-to-one level and role of both mentor and learner.
Reading Learners are provided with papers, references and case study examples.	If used as pre-course preparation it encourages learners to reflect in advance and enables trainers to go into the content in more depth. Suits learners who enjoy reflection. Useful as a post-course future resource.	Assumes the time to read. Not all learners enjoy reading as a method of learning. If used as pre-course, it must adhere to the training protocol of no more than four hours of preparation.
Shadowing Observation of another person.	Appreciation of another person's role in a practical way. Useful when two jobs are interdependent.	Shadowing may not work where confidential aspects of work arise.
Coaching Varies according to knowledge/skill level. Can be internal: peer to peer or with a senior judicial office holder or an external coach.	Personal support to help learners reach work or personal objectives. Focuses on needs of individuals. Often empowering and motivating.	Can be seen as remedial, so needs to be arranged sensitively. Rapport with the coach is vital to the success of coaching and alternative coaches may need to be found. Can be expensive if external.
e-Learning Materials available on electronic media.	Access to information and training by many people. Encourages reflection. Provides flexibility and bite-sized learning. The learner controls the pace of learning, when and where. Excellent for short pieces of learning, particularly on knowledge and process. Can be developed as an ongoing resource to be re-accessed when needed. It can be part of a "blended learning" approach and used within face-to-face training i.e. pre-reading, mid-programme consolidation or post course work/refresher.	Some learners do not enjoy self-managing their learning. It may require a level of competence with technology. Some elements of skills training can be lost i.e. plenary practice sessions, etc. Need to plan e-Learning 3–6 months in advance of training.
FACE-TO-FACE APPLICATION		
Snowball Four or more small groups come together in stages (eventually forming a single group) combining and distilling group discussions and agreements at each stage.	Effective way of getting large numbers of people to arrive at a shared agreement. People physically move to join groups and this keeps energy high.	Can be noisy/high energy in the room which can help/hinder different individuals. Needs facilitation to ensure individuals n't don't dominate and ensure everyone participates.

<p>Talking wall</p> <p>Small groups rotate around a room to write on flipcharts on a wall, so most groups contribute to all flipcharts. This can then be discussed in plenary.</p>	<p>Involves physically moving which keeps energy high—good for energy slump times.</p>	<p>Requires physical mobility from all participants (can be adapted to move flipcharts around groups rather than groups moving). Also requires a large enough room for moving around.</p>
<p>Post-it note brainstorm</p> <p>Learners write on post-it notes which are put on the wall under one or more headings.</p>	<p>A visual way of representing ideas. Good when there are lots of possible ideas. Facilitator or learner can cluster post-it notes into themes.</p>	<p>Needs one mobile group member to put post-it notes on wall. Requires facilitator to sort post-it notes into themes during training.</p>
<p>Filming learners</p> <p>Filming individuals or groups doing an activity and using it as a means of giving feedback.</p>	<p>The learner is able to see their performance and link it to the feedback given.</p>	<p>Reluctance to be filmed may affect an individual's performance. Clear guidance for feedback helps to allay fears.</p>
<p>Role play</p> <p>Acting out roles in training group.</p>	<p>Gives practice at handling situations in safe environment. Can boost confidence if managed well. Opportunity to learn from watching others and receive feedback.</p>	<p>Learners may feel intimidated. Sometimes not treated seriously—“well it's only a game, that's not what I would do in real life!” Takes time for everyone to participate.</p>
<p>Card sort</p> <p>Groups or individuals put pre-written cards into categories.</p>	<p>Provides prompts for learner's thinking. Good where there are lots of possible options/answers.</p>	<p>Takes time to prepare. Need to ensure language is understood by all.</p>
<p>Film clips</p> <p>Face-to-face or online. Show pre-recorded speakers or scenarios.</p>	<p>Cost-effective way of ensuring availability of speakers' content at multiple events. Can be used as a demonstration (below).</p>	<p>Requires familiarity with technology to play films. A passive method, it needs to be combined with activity to create learning potential.</p>
<p>Demonstration</p> <p>Face-to-face, film or online. Practical example of skill or behaviour. Can be done by a trainer, actors or participants.</p>	<p>Brings a process to life; visually provides an understanding of a process. Enables participants to learn from the approach of others, e.g. decisions—written or oral</p>	<p>If there is no opportunity for the learner to practise themselves, the learning can be forgotten. Can be expensive if using actors.</p>
<p>Lecture</p> <p>Face-to-face, film, conference call or online. Talk with little or no participation.</p>	<p>Conveys information to large audiences. Can be cost effective via conference call. Can be timely if done in bite-sized virtual sessions e.g. podcasts.</p>	<p>Lack of participation means audience may lose interest, unless activity is built in. No means to check learning. Little flexibility to tailor to needs of group.</p>
<p>Simulation</p> <p>Face-to-face or online. Individuals are given life-like roles/tasks and asked to</p>	<p>Ability to try it out and practise is a key part of learning. Good for behaviour training, e.g. judge craft or using case management systems. Useful for skills training and inductions. Helps to transfer</p>	<p>Learners may reject the whole exercise if they feel the exercises are unrealistic. Needs careful setting up as learners can lose confidence if they don't do well.</p>

participate in a work-based scenario.	learning. Tests application of theory.	
Tutorial Face-to-face, virtual classroom (audio and or video) Trainer/learner discussions held away from group.	Useful to review pre-course work, progress, and plans for their return to the office. Chance to deal with situations which have arisen in group.	Time should be shared between trainer and learner to allow both to raise issues. Trainer needs to be prepared to receive personal feedback. Can be time consuming.
Webinar Online (audio or video) training conducted over the Internet which individuals log into. Can be live or recorded.	Effective way of holding a live training event with a large audience who are in various locations. Participants can ask questions of the trainer via a text forum which are answered by the trainer.	Requires all learners to log in at a specific time (if live), although they can then view the recording. Doesn't allow participants to actively practise learning.
Virtual classroom Online. Live training where participants interact with one another, view presentations or videos and engage with resources in work groups.	Goes a step further than webinars as it enables active engagement between participants and the trainer and with training materials.	Requires all learners to log in at a specific time (if live), although they can then view the recording. Needs planning ahead of delivery.
Discussion Face-to-face, online or virtual classroom. Exchange of knowledge, ideas and opinions. Led by speaker, facilitator or by participants themselves.	One of the most popular methods in judicial training. Allows participants to share experience and knowledge. Learners may feel more comfortable in smaller groups for some exercises.	A skilled facilitator may be needed as learners may stray from the subject. Mix within groups can help or hinder learning. If the group is similar, it may reinforce current rather than new perspectives.
Case study Face-to-face, virtual classroom or eLearning. Set of information examined by learner(s) to analyse issues and identify possible options	Encourages exploration of options. Freedom to explore issues away from real life pressure. If in groups, it can promote the exchange of ideas.	Can be treated as make-believe and feedback not accepted if the case study is not based on real life examples. Needs drafting and clear facilitator guidance/briefing.

5.8. The ERA/EJTN Project on Training Methodologies

The second Project (still work in progress) was led by ERA/EJTN, based on work carried out from 2018 (and continuing) on a joint training project aimed at tackling identified gaps and deficiencies in the current training in EU law for court staff.³⁶ This project was conducted independently, but in tandem with our Project, and we exchanged information with the two ERA/EJTN project teams in the course of our work. The key difference between the two ERA/EJTN projects and our Project is that the objective of the ERA/EJTN project is to organise practical training events for court staff in the specific area of cross-border civil

³⁶ *Better applying European cross-border procedures: legal and language training for court staff in Europe* (programme funded under the Justice Programme 2014-2020 with EJTN and the support of 23 national judicial training institutions from 19 Member States.

litigation (and subsequently also in criminal litigation) by creating a standardised training package that will be reusable in future training events.³⁷ Our concern is with much broader issues spanning from the wider needs of trainees, to gaps and weaknesses in training delivery. In this respect, while the two studies can be seen as complementary, our Study provides a comprehensive overview of the current state of play of court staff across the EU's judicial systems, which is not the purpose of the ERA/EJTN projects. But as the methodology eventually used in the design and delivery of the ERA/EJTN training events was preceded by a series of Questionnaires sent out to the senior training managers in all participating Member States, there was a strong likelihood that the chosen methodology would prove to be effective.

Anastasia Patta, ERA Course Director – Private Law, in the first ERA/EJTN project takes up the story:³⁸

'The first milestone of the project was the development of the training package which will form the basis for the planned seminar series. The training materials for the provision of legal training mainly consist of case studies on the EU civil law instruments covered by the project. Each case study includes a case scenario, suggested solutions as well as the necessary background materials and methodological advice for its implementation. The materials were drafted in English by three renowned EU law experts. For the provision of language training a manual on legal terminology in English including language exercises was developed by a linguistic expert. The exercises focus on developing four skills: reading, writing, speaking and listening. From the beginning of the preparation phase a short questionnaire was sent to all involved national bodies with concrete questions on the tasks and training needs of court staff in the relevant areas. The answers were forwarded to the experts with the aim of adapting the materials to best suit the project's purposes'.

This approach to methodology was premised upon an in-depth analysis of the particularities of both the subject matter of the proposed training and the background and experience of the targeted trainees:³⁹

'In order to familiarise court staff with the relevant EU acquis and to increase their confidence in their future using of the available legal instruments and procedures, ERA and EJTN focused on providing interactive and well-structured training, as well as improving the court staff's English communication skills. Training based on solving coherent practical case studies, requiring the active involvement of participants and thus steering a continuous exchange of knowledge, has been identified as a recommendable training methodology. When dealing with cross-border cases court staff should be able to communicate with and understand each other. Mutual understanding is a sine qua non for European integration. Former studies have 'recommended to enhance the necessary linguistic skills of court staff' and to 'develop more activities in legal English terminology for court staff'. Interactive and practical training events combining both English language training on legal terminology and training on EU legal instruments have been considered to be the best approach'.

We will return to the ERA Project at 7.5 below.

In Table 5 we provide a summary of the current methodologies used in training court staff in EU law across the European Union. It is clear that while there are differences in the styles, materials and methods adopted in various Member States, there is also substantial take-up of a range of imaginative and appropriate methodologies.

³⁷ Ibid.

³⁸ *Court staff training on EU law: an unsolvable puzzle? Key challenges and presentation of a pilot training project*, Anastasia Patta, ERA October 2019, Vol. 20 Issue 2, 159-65 at 162.

³⁹ Ibid.

5.9. Summary of the current Methodologies in use across Member States

Table 5. Styles, materials and methods

COUNTRY	MATERIALS AND METHODS	STYLE
Austria	All types of presentation techniques are used in the basic courses and also in the respective field courses (PowerPoint presentations, group work, processing of case studies, discussions about decisions by the appellate courts, etc.). Courses all conclude with exams.	Face-to-face, some lectures via e-Learning.
Belgium	Theory and practical exercises, with materials available online to download in advance.	Face-to-face.
Bulgaria	PowerPoint lectures, with printed materials available to download in advance.	Face-to-face, some courses via the in-house e-Learning Portal.
Croatia	Theory and practical exercises, case studies in groups, presentations.	Face-to-face and e-Learning.
Cyprus	Unspecified range of methods, except where delivered in conjunction with Judicial College London who use video presentations, interactive group discussions, talking walls, quizzes, etc.	Face-to-face, with some limited e-Learning.
Czechia	Theory and practical exercises, interactive discussions around real-life case studies and video recordings.	Face-to-face, with some blended learning via the in-house e-Learning Portal.
Denmark	Peer education (on-the-job training), seminars/webinars.	Face-to-face, e-Learning, blended learning.
Estonia	Lectures, seminars, case studies, moot courts. Online use of webinars.	Some face-to-face, and other training fully online.
Finland	Theory and practical exercises, case studies in groups. e-Learning courses involve pre-course tasks, use of online reading materials, videos and tests.	Face-to-face and e-Learning via the in-house e-Learning portal and platform of the government of Finland.
France	Lectures, seminars, roundtables, small groups, supervised work, case studies, workshops, mock trials, meetings, chronicle of events in criminal cases.	Face-to-face.
Germany	The answer depends on the type of training. In introductory training,	Face-to-face, with some e-Learning added more recently.

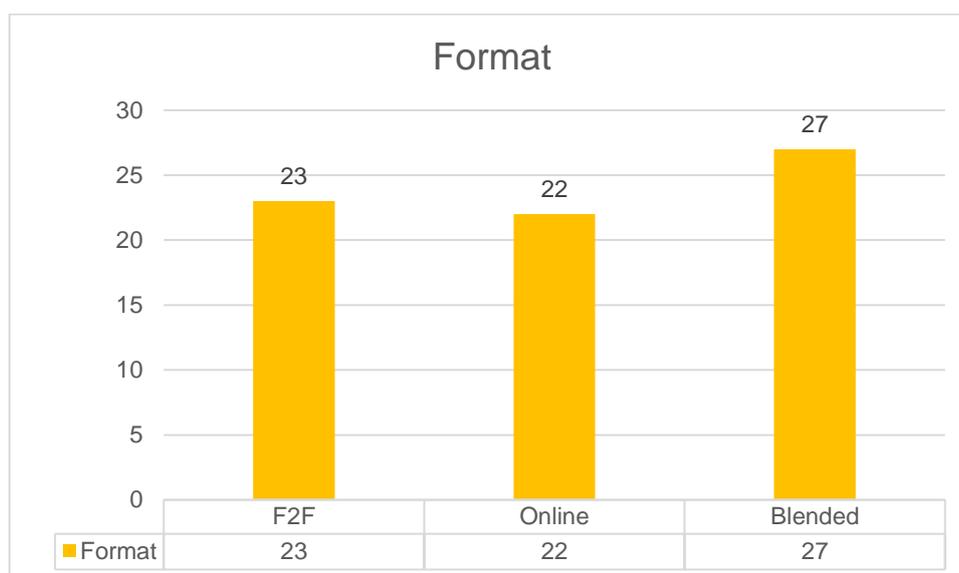
	<p>abstract knowledge is initially imparted. PowerPoint presentations are used, among other things, but this depends on the lecturer. Individual cases are also discussed. The greater the knowledge, the more likely it is that more individual cases will be discussed. In some cases, the participants will be asked about a previous case in which they have been involved so that practical cases will be discussed. Sometimes small group discussions take place depending for example on the overall time available for the training.</p>	
Greece	<p>The face-to-face training usually takes the form of small group discussions around case studies, usually cases that the court has already dealt with, or is currently addressing.</p>	Face-to-face.
Hungary	<p>Theoretical background information and practical examples including case studies, simulations and role play, plus workshops with interactive practical examples.</p>	Face-to-face and blended learning.
Ireland	<p>None, except for judicial researchers and assistants who use real-life examples via presentations and video recordings.</p>	None provided, except blended learning for some categories.
Italy	<p>Workshops, focus groups, case solving via simulation activities, and 'training on the job'.</p>	Face-to-face. Plus some blended learning.
Latvia	<p>Varies according to position. For some positions mainly lectures, for others self-paced e-Learning is added plus group discussions, case studies and 'group work'. The in-house e-Learning Portal contains the course materials, videos and audio recordings of training events. Zoom webinars also used.</p>	Face-to-face plus blended learning for several Categories.
Lithuania	<p>Theory and practical exercises, plus use of work-based examples from trainers.</p>	Face-to-face, with blended learning for some categories.
Luxembourg	<p>The training sessions are delivered by an external institution (INAP), and generally consist of lectures. Court staff can also attend external conferences held in the form of seminars.</p>	Face-to-face, plus some e-Learning.
Malta	<p><i>Research Tasks</i> refer to the research performed via Literature Reviews. Analysis of the literature that is available online on the EU platforms and information</p>	'Research tasks' and informal training.

	<p>resources. A needs-based approach is adopted in the selection of topics. Informal training means that one-to-one sessions are performed according to the needs that arise mostly between the Assistant Registrar and Deputy Registrars. This means that the former does the research, and then through a 'one-to-one' session the Assistant Registrar trains the Deputy Registrar.</p>	
Netherlands	<p>Small groupwork for skills and behaviour training, larger groups for transfer of knowledge. Includes case studies, group discussions, and other exercises.</p>	<p>Blended Learning, each trainee given their own 'learning environment'.</p>
Poland	<p>Interactive sessions using PowerPoint and video recordings, plus theoretical sessions and case studies, role play, moot courts, workshops and language courses.</p>	<p>Face-to-face, some e-Learning on 'soft topics' e.g. foreign languages.</p>
Portugal	<p>Interactive sessions using PowerPoint and video recordings, plus theoretical sessions and case studies.</p>	<p>Face-to-face.</p>
Romania	<p>Interactive face-to-face, including case studies, trial simulations, practical exercises, debates, lectures, supplemented by online learning and webinars via the in-house e-Learning Portal.</p>	<p>Face-to-face, plus e-Learning and some blended learning.</p>
Slovakia	<p>Training is primarily by way of seminars and presentations. In small groups, we organise English language training in legal terminology. But since Covid-19 we have only been able to organise online training via the Zoom platform. All training is organised by legal professionals.</p>	<p>Face-to-face, including an annual training conference.</p>
Slovenia	<p>Face-to-face training is provided in different forms, such as seminars, lectures, workshops, conferences, round tables and panels.</p>	<p>Face-to-face plus e-Learning for induction courses.</p>
Spain	<p>Theory and practical exercises using PowerPoint, interactive discussions around real-life case studies, simulation, video recordings and study visits.</p>	<p>Face-to-face with some e-Learning on specific courses.</p>
Sweden	<p>Group discussions, supplemented by e-Learning that uses interactive materials such as tests, quizzes or games.</p>	<p>Face-to-face with some e-Learning as extra on some courses.</p>

5.9.1. Summary of Styles

The three most widely used training styles are a) face-to-face training; b) e-Learning; and c) blended learning which is a mixture of a) and b). Within each training style, a number of different methods and materials are used.

Table 6. The Number of Member States which use face-to-face (F2F), Online or Blended Learning methodologies



Our survey of Member States reveals the following:

- In six Member States, face-to-face is the only training style currently used in EU law training⁴⁰: Belgium, France, Germany, Greece, Portugal, Slovakia.
- In 12 Member States, face-to-face training in EU law is supplemented by a limited amount of e-Learning, though this is not fully blended learning: Austria, Bulgaria, Croatia, Cyprus, Estonia, Finland, Luxembourg, Poland, Romania, Slovenia, Spain, Sweden.
- In eight Member States, some training in EU law is specifically identified as ‘blended learning’: Czechia, Ireland, Italy, Latvia, Lithuania, Netherlands, Romania, Spain.⁴¹

The question of a move towards more online training has been brought into clear and dramatic focus by the Covid-19 pandemic. There was, however, already emerging evidence that this type of training would be welcomed by judicial and legal professionals across Europe, foreshadowed in a survey carried out in 2020 by ERA.⁴² The survey was conducted by ERA with the support of 54 partners at European and national level in June-July 2020, and it revealed the strong interest of judicial and legal professionals in online training. More than 10,000 legal professionals from all EU Member States responded to the survey, which revealed significant differences in the number of professionals with experience of online training. More than 70% of lawyers in private practice had already participated in online

⁴⁰ All countries have had to adapt to use online learning temporarily in response to Covid-19 requirements.

⁴¹ In 6 Member States, all three methodologies are used. These are: Cyprus, Denmark, Ireland, Netherlands, Romania and Spain.

⁴² www.era.int/?130209&en.

programmes, but only just over half of judges and even fewer prosecutors or civil servants. Interestingly, and of significance for our Study, approximately one quarter of law enforcement officials and court staff reported that they were simply unable to follow online training from their workplaces. However, overall, of those who had not yet participated in online training, 77% said they would be interested in doing so in the future. This matter is revisited in Chapter 7, at 7.8.

5.9.2. Materials and Methods

The findings of the ERA/EJTN Project showed that ‘solving coherent practical case studies, requiring the active involvement of participants and thus steering a continuous exchange of knowledge’ provides the most effective methodology for this type of professional training. It is reassuring to confirm that these preferred methods are actively used in at least 15 Member States: Belgium, Croatia, Czechia, Estonia, Finland, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Spain, Sweden. In addition, there is evidence of significant adoption of several of the range of training methods outlined in the Judicial College Table.⁴³

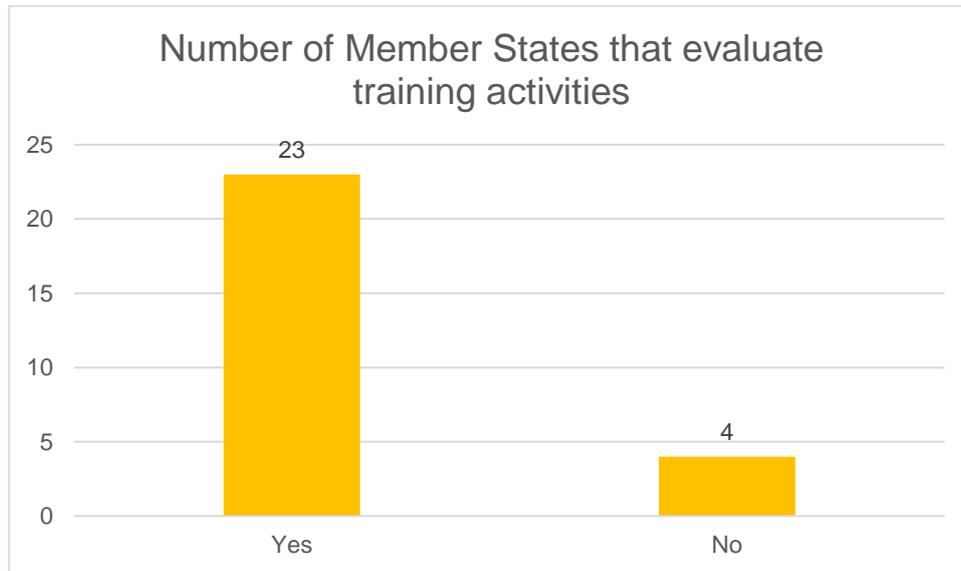
5.9.3. Conclusion

The information provided to the Project Team from NCOs provides a mixed picture regarding the range of methodologies currently in use. The picture is of one in which there is considerable awareness in many Member States’ training communities of the rich canvas of methodologies that are now available to trainers to craft according to the needs of their court staff communities, and in several countries the methodology selected seems to have been carefully honed to those needs. There are still, however, a number of Member States in which a more creative and imaginative approach to the selection of methodologies needs to be encouraged.

5.10. How is Training evaluated?

The great majority of Member States conduct post-training evaluations. In 23 Member States, court staff attending training in EU law are asked to complete a post-training evaluation form.

⁴³ Supra at Table 4.

Table 7. Number of Member States where court staff are asked to complete evaluation forms

Feedback forms ask participants to comment on different aspects of the training activities. Relevance, quality and effectiveness are the most used criteria against which training activities are evaluated. The full list of criteria for training evaluation includes:

- The quality of training materials
- Animations
- Relevance and usefulness of training
- Impact of training
- Effectiveness/Efficiency of training
- Sustainability
- The quality of speakers/trainers
- The quality of course administration
- The length of training
- Fulfilment of expectations

The next chapter will look in greater depth at how training evaluation methods are selected, conducted and analysed.

5.11. What (if any) training activities are carried out in conjunction with other legal professionals?

In most cases, training activities for court staff are targeted exclusively at court staff and no other professionals participate in the same training as court staff. In other cases, court staff occasionally participate in training delivered with other professionals, including other legal

professionals, judges, state attorneys and prosecutors, and registrars. This kind of invited participation of court staff and judges in training is standard in some Member States, such as Cyprus.

5.12. Summary of Chapter 5

In this chapter, we have investigated and reported on the state of play of court staff training in EU Member States which we summarise as follows:

- In over 56% of EU Member States, court staff (**Types 1/2**) receive initial training on EU law.
- Court staff (**Types 1/2**) receive continuing training in EU law in all but one Member State, but the amount of such training and the extent to which it is considered compulsory differs widely between Member States. This reflects the recent observation of the Council of the European Union, citing the 2020 Report of DG Justice and Consumers on European Judicial Training, that ‘considerable differences remain in the uptake of training across Member States and justice professionals’.⁴⁴
- Training activities are organised by a variety of organisations, primarily courts and public administration schools, and professional training providers.
- Court staff (**Types 1/2**) receive training within these organisations from trainers from a wide range of professional backgrounds drawn predominantly from courts, academia, and the legal professions.
- In the majority of Member States, the trainers receive formal, continuing training to be trainers.
- In the delivery of training, a range of methodologies are used, split between face-to-face, e-Learning and blended learning.
- Training providers universally seek feedback from court staff attending their training and use this feedback proactively for future course planning.

In the next chapter, we will build upon these findings, to include a more detailed analysis of the training needs of court staff across the 27 Member States.

⁴⁴ Supra at footnote 1.

6. Round 3: Questionnaire 3

6.1. Introduction plus summary of Questionnaire 3 Methodology

Round 3 of this Study is deliberately forward-looking. Unlike Rounds 1 and 2, this section of the study is focused on the future. Specifically, it seeks to address inter alia the 4th and 5th objectives of the Study:

- To make recommendations to the different national and EU-level stakeholders on how to answer these (identified) training needs.
- To make recommendations to enable the EU-level networking of all court staff training providers.

Round 3 also goes much further, asking penetrating questions of all the Member States on the perceived sufficiency or insufficiency of the current training offer and if the latter, the reasons for this insufficiency. We look at the specific areas where more training is required and the particular complexities of providing training to cover cases that involve several different Member State jurisdictions. We enquire whether more **Train the Trainers** courses would be welcomed, and if so in what formats? We look in depth at various approaches to post-course evaluation, turning the spotlight in particular on trainer awareness of the Kirkpatrick Model. We enquire as to the desirability (and potential popularity) of producing generic transnational training courses on the institutions of the EU and relevant issues of EU law and procedure. And finally, we sift through the evidence on the current provision of transnational training events and the advantages afforded to training providers of transnational networking opportunities.

This section of the Report follows the same methodological approach as the previous two sections. For our data collection, we made use of structured written Questionnaires and analysed the answers with qualitative and quantitative methods. From the time the Questionnaires were sent out, all respondents were given four working weeks to complete all the questions. During this time, the experts were available to clarify any queries related to how to complete the Questionnaire. In addition, the experts were proactive in seeking further clarification from the NCOs, where needed. The Questionnaire used for this part of the Study was co-drafted between the Project Team and the Experts' Committee. The final Questionnaire, which is included in **Annexe 11**, is based on the input of all these different stakeholders.

Before presenting the findings, it is useful to rehearse which aspects of EU law training for court staff will be further explored in this chapter? In line with the Project philosophy, all the data that forms the content of this section was provided by the NCOs themselves, not by the Project Team.

The detailed questions which we posed to the NCOs were as follows:

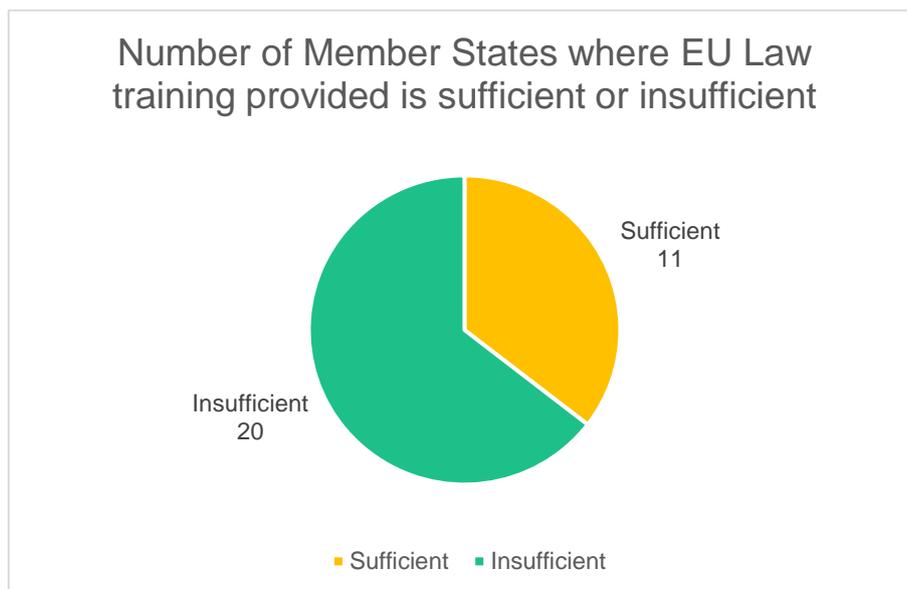
- Is the amount of training in EU law provided to **Type 1** and **Type 2** court staff sufficient or insufficient?
- Where insufficient, which are the specific areas of EU law where further training is required?
- Which factors might explain why the training in EU law currently provided is lacking or insufficient?
- Are demands for online training on the increase, as a result of the new educational context arising from the Covid-19 pandemic?

- Would the provision of more **Train the Trainers** courses attract more participants, if they were to be offered a) face-to-face, b) online or c) via blended learning modes of delivery?
- How are training events evaluated: in particular, whether, and to what extent is the Kirkpatrick Model used?
- Is feedback from training evaluations taken into account when designing future training activities?
- If further online generic courses on EU institutions, powers and responsibilities and EU law and procedures were made available, would they be of interest to court staff and, if so, in which language should the training be delivered in order to make it accessible to the trainees?
- Would court staff be interested in participating in more transnational training activities?
- If EU-level networking activities between either court staff or training providers were available, would this be a welcome initiative?

6.2. Is the Training on EU law currently provided to Court Staff **Types 1 and 2**, sufficient for them to carry out their daily Duties?

We started our investigation by asking senior court staff representatives in Member States to indicate whether the amount of training in EU law currently provided to staff Types 1 2, is **sufficient** or **insufficient** to meet their needs?

Table 8. Number of respondents in Member States that consider the amount of EU law training to court staff (Type 1/2) to be sufficient⁴⁵



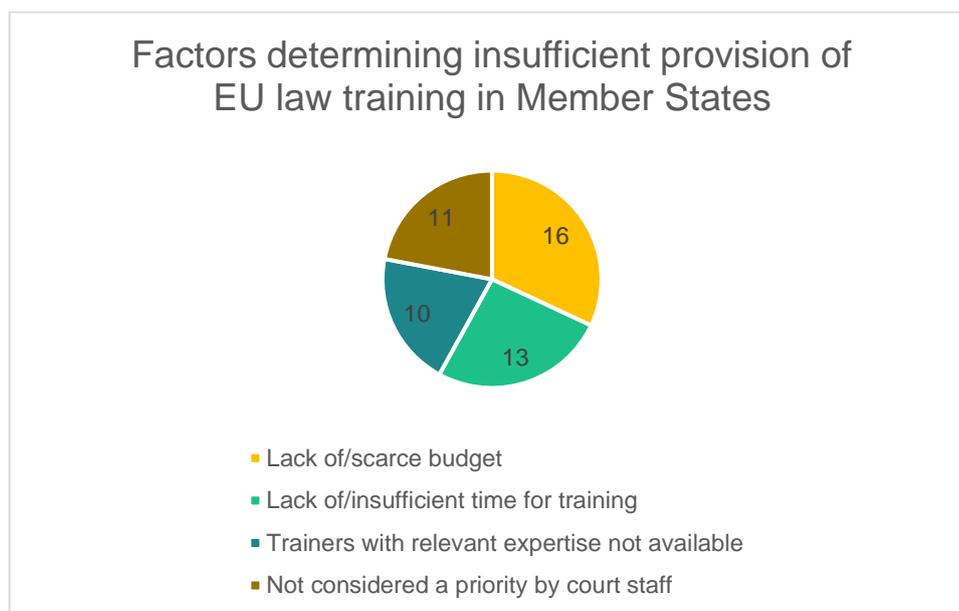
⁴⁵ In four countries Estonia, Denmark, Latvia and Lithuania respondents have submitted 2 answers to differentiate between courts and prosecutors. Slovenia submitted one document containing information on courts and prosecutor's offices.

The majority of the respondents indicated that the amount of training in EU law currently provided for **Type 1/ 2** court staff is insufficient. Among the minority who believed that the amount is sufficient, an example of good practice comes from the Austrian and Czechian contexts. Here, senior managers plan the training offer for court staff on the basis of a yearly evaluation of training needs. Although, as indicated in their answers to the Questionnaire, further training in EU law would be welcome, the Austrian context shows that careful and strategic planning for court staff training and development can prevent knowledge gaps in different areas of EU law.

6.3. Factors explaining where and why the Training in EU law provided is considered to be insufficient?

After indicating whether training in EU law for court staff Types 1 and 2 is sufficient or insufficient, Member States' representatives were asked to indicate the reasons why EU law is not sufficiently covered in court staff training, where they believed this to be the case?

Table 9. Factors determining insufficient provision of EU law training in Member States



The great majority of respondents indicated the **lack of budget** as the most important reason for insufficient provision of EU law training, followed by **lack of time for training activities**, and **not considered a priority for court staff**. We here advance the hypothesis that the lack of budget might be closely interrelated with other factors; for example, a lack of prioritisation might limit budget allocation for EU Law training. Low prioritisation can therefore also explain a lack of budget and, in turn, insufficient training. When asked to provide further information on why EU law is not prioritised, one respondent (Austria) explained that this is due to the court staff's relatively limited involvement with international cases. However, due to the increasing inter-connection of court cases between Member States, this area of training could become a higher priority in the future. In a few cases, respondents have also included other reasons for why court staff receives insufficient training in EU law. For example, there is time for training, but not sufficient time for covering some of the topics that would be necessary or relevant. In other cases, we have received

further information on why training is not prioritised. One of the reasons is that the training of judges is prioritised over that of court staff.

The graph here below summarises the answers received by the three respondents for Germany:

Table 10. Summary of answers on the reasons why training is insufficient from Germany⁴⁶



Germany presents the reverse situation compared to the picture presented above for other Member States. Here, lack of budget is not the main determinant, but rather lack of time, expertise and prioritisation.

6.4. Areas of EU law in which further training is needed

EU law is a very broad training field. In order to assess in which areas of EU legislation Court Staff need further training, we asked Member States' representatives to choose from a list. The list of EU law areas was put together by the Project Team and additional space was left blank in the Questionnaire to allow participants to indicate extra areas not included in the list. To identify and compile the list of training areas, we proceeded as follows: Questionnaire 2 asked NCOs to indicate the broad areas of EU law in which they believed further training was needed. We merged all the responses together into one list and presented the list to the Project Steering Committee for input. Following the amendments proposed by the Steering Committee, the experts edited Questionnaire 3.

⁴⁶ For details on Germany, see above note 4.1., Note on Germany

Table 11. Areas of EU Law where further training is needed for Type 1 and Type 2 court staff.

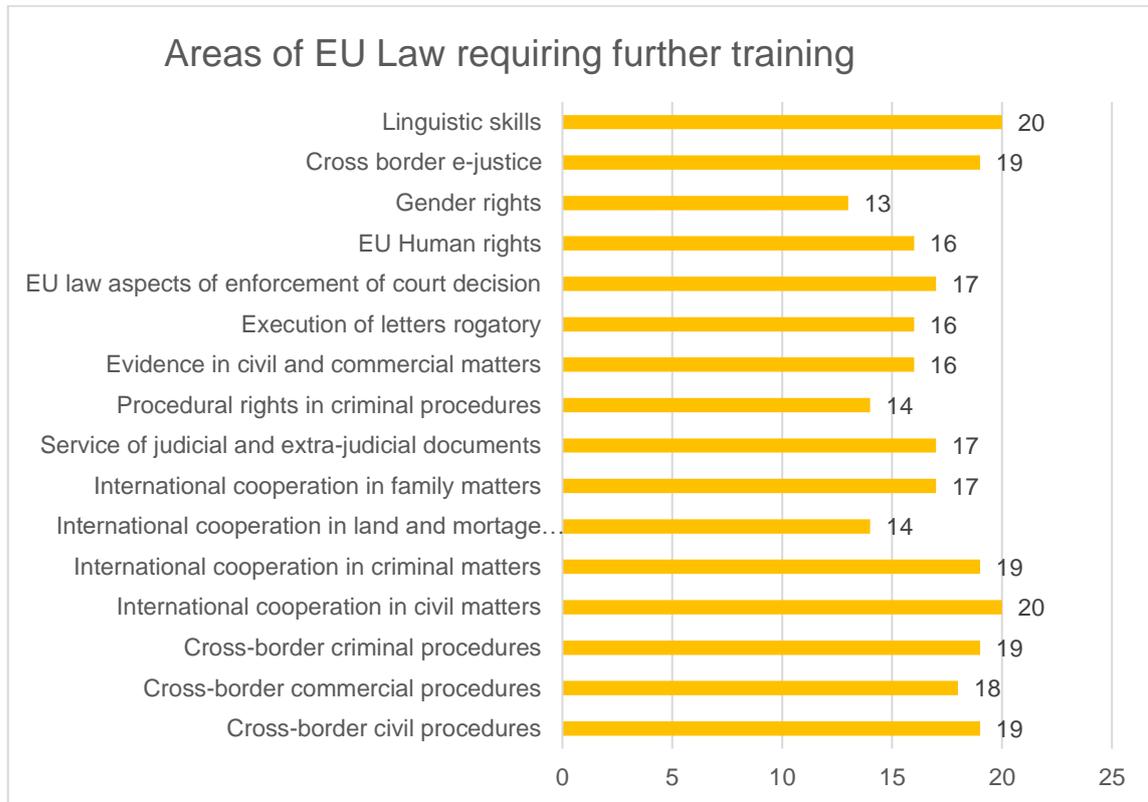
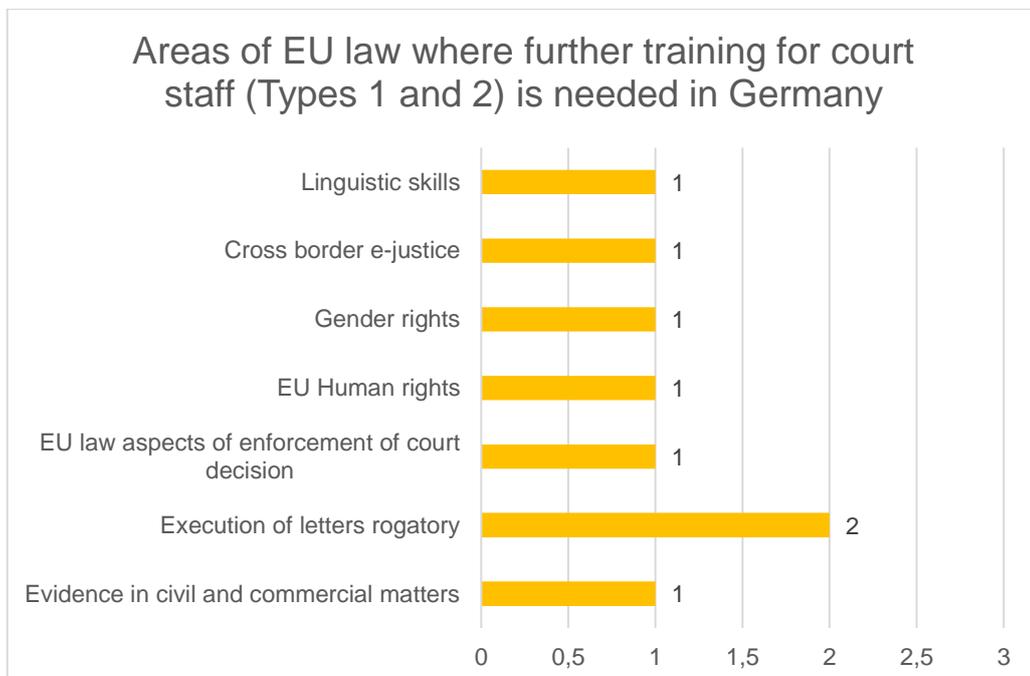


Table 12. Areas of EU law where further training for Type 1 and Type 2 court staff in Germany is needed



In the Questionnaires received from all Member States, some respondents indicated that further training is needed also in the following additional areas:

- International cyber criminality
- Conduct and conclusion of the procedure commenced in other countries
- Protection orders
- Data protection in the EU (GDPR)
- Public Procurement procedures and practices in the EU
- Administrative judicial process (Administrative Law and Procedure)
- Inheritance Cases Regulation
- Inheritance law
- Preliminary ruling
- Family law
- Matrimonial property regimes and the law of registered partnerships in Europe
- Protection against violence
- Guardianship law
- European Account Attachment Order Regulation
- Legal Aid Directive
- European Enforcement Order
- European Payment Order
- Notary and public deeds
- International documents, legalisation and apostille (e.g., The Hague Convention)
- Requests for service and mutual legal assistance.

In some cases, respondents also indicated legislative acts that should be the subject of training. Below, we include the additional information that our NCOs have provided when asked to provide examples of proceedings that would require knowledge of **more than one** area of EU law.⁴⁷ The country in brackets at the end of each scenario indicates the origin of the question.

Scenario 1:

A case in which a European Investigation Order (to identify a phone number and a bank account) with a freezing order (for the same bank account), a letter rogatory (for cross-border observation in the framework of Article 40 of the Convention on the Application of Schengen Agreement) and then a European Arrest Warrant are all needed for the same suspect.

(Belgium)

⁴⁷ Please note that the text of the examples has been left as close to the original as possible and edits have been made only to improve readability.

Scenario 2:

Maria is an Estonian national whose father Martin married Joyce, an Irish national. Father and daughter (who was born from a previous marriage) moved to Ireland when the daughter was a minor. The father owned different properties in both Estonia and Ireland. Before dying, the father drafted his will in Ireland and named his daughter, Maria, as the sole heir to his entire estate. How to answer questions such as: Can a person's habitual residence be in more than one Member State? Which Member State court can handle succession issues? Applicable law? Matrimonial property regime consequences on succession?

(Estonia)

Scenario 3:

Two EU citizens (Greek and French) get married in Germany. One is a doctor and the other one is a housewife. They have three children. One day, the woman decides to return to France and take the children with her. She is asking for divorce, alimony, full custody of the children and half of all assets acquired after the wedding. He is accusing her of abduction and wants shared custody of the children. She is accusing him of abuse (cross-border cooperation in family matters, service of documents, the GDPR, etc.).

(Greece)

Scenario 4:

A Bulgarian citizen is caught for migrant smuggling at the Greek border after his car crashed with another car because of high speed. His associate, a citizen from Pakistan, had succeeded in hiding in the woods and reached Romania, where he applied for asylum. (European Arrest Warrant, mutual legal assistance, Asylum Law, etc.).

(Greece)

Scenario 5:

An EU couple has decided to divorce. Ms X stays in Member State A, with the child and Mr Y returns to his country, at Member State B.

- During the divorce case, Member State A court needs to summons Mr Y for the action in Member State B. At the hearing, the judge needs to hear from some witnesses who are living in Member State C. The court issues an order to decide parental responsibilities and needs a social report about the social and economic situation of Mr Y.
- Some months later, Ms X needs to start an enforcement procedure in order to obtain maintenance payments from Mr Y. Meanwhile, the child went to the father's house for a few weeks in Member State C during the vacation. However, the father did not let the child return, retaining the child in Member State B.

In this example, we have at least four EU Regulations: Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility; Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents); Council Regulation (EC) No. 1206/2001 of 28 May 2001 on

cooperation between the courts of the Member States in the taking of evidence in a civil or commercial matter; Council Regulation (EC) No 4/2009 of 18 December 2008 relating to maintenance obligations.

(Portugal)

Scenario 6:

In a criminal case pending in EU Member State No.1, the defendant has fled to EU Member State No.2 and, as a result, a European Arrest Warrant was issued in his name. In the same case, a witness from EU Member State No.2 must be heard in court so that the testimony may be served to the court in EU Member State No. 1, which is bound to issue a court ruling on the criminal issue. In this case, both Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters and the Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States apply.

(Hungary).

Scenario 7:

Commercial law

A limited company founded in England moves its registered office to Germany and holds assets in Germany. It is deleted from the English register.

What is the legal situation with regard to the assets located in Germany?

Family Law

The contact arrangement of a Polish court grants the father contact every second weekend. The mother of the child does not grant this and moves with the child to a town 600 km away from the previous place of residence.

The father of the child wants the title to be enforced by means of coercion. How is this enforced?

How can such a title be amended (§ 1696 BGB)?

(Germany)

Scenario 8:

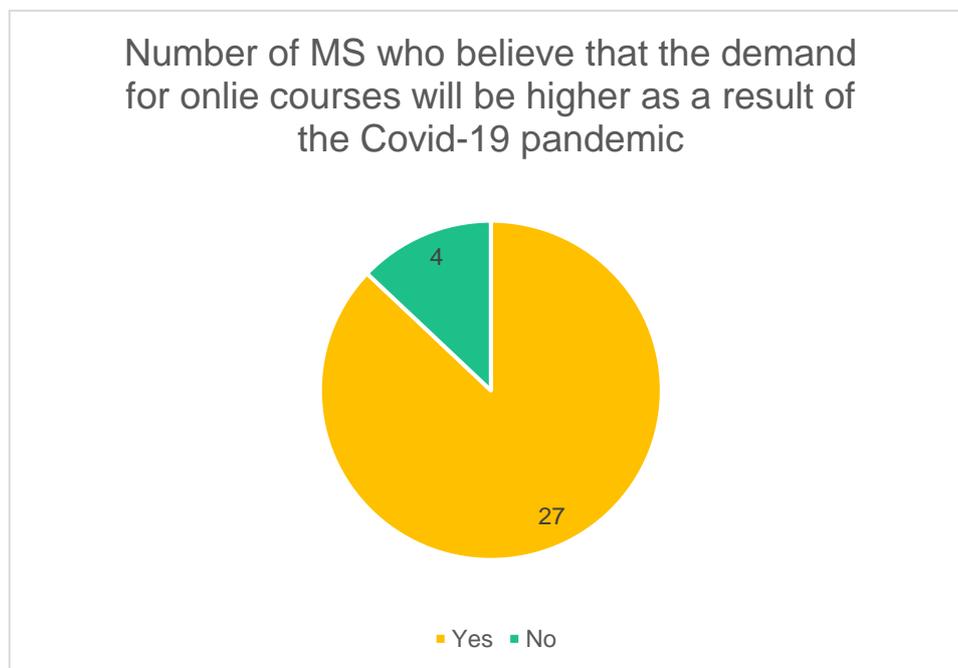
Law of succession

The German testator lives in his second home in Italy. He leaves a holiday home in Italy and a condominium in Munich. No choice of law has been made. Which law is the law of succession?

(Germany)

6.5. Given the current Restrictions arising from the Covid-19 pandemic, do you believe there will be demand for more online training courses?

Table 13. Number of Member States who believe that the demand for online courses will be higher as a result of the Covid-19 pandemic⁴⁸



Unsurprisingly, the answer to this question was overwhelmingly **YES**, with only Cyprus, Luxembourg and Slovakia answering **NO**, while the NCO from Poland preferred to remain neutral. What was of particular interest here was the extent to which most NCOs put forward a number of positive reasons why online training (often in blended format) would most likely continue post-pandemic as a significant component of the overall training package, suggesting ways in which online training could be more closely tailored to training needs. It is worth noting in this regard that the survey on online training in the legal professions carried out by ERA in 2019 found that 77% of participants who had never taken part in online training sessions before the pandemic would now be interested in participating in online training in the future.⁴⁹ This aligns with the recent appeal by the Council of the European Union to training providers that they should invest in the digitalisation of training for judicial professionals.⁵⁰

⁴⁸ Please note that four Member States submitted two answers, one from courts and one from prosecutors' offices (Estonia, Denmark, Latvia and Lithuania). One Member State (Poland) responded that they did not have sufficient data to answer the question. Answers from three respondents from Germany were counted as one because the three answered the same 'yes'.

⁴⁹ Supra at footnote 40, 5.9.2.

⁵⁰ Supra at footnote 1, paragraph 13.

Here, in summary, are the views of a number of Member States on this question.⁵¹

- ‘Online training courses can be designed in a manner that takes the different nature of online learning into account: shorter sessions, interactivity by means of breakout rooms, etc.’ **Austria.**
- ‘Online training courses provide a solution to facilitate the participation of as many participants as possible, who might find it difficult to attend some courses due to their location being too far away from the place of training’ **Belgium.**
- ‘Due to the Covid-19 pandemic, most of our upcoming and planned face-to-face learning courses will be transformed into electronic courses: synchronous (online courses, webinars) and asynchronous (Moodle distance learning courses)’ **Bulgaria.**
- ‘The entire initial training programme for trainees that has been organised online this year, has its strengths and weaknesses. Some programmes need to be specifically crafted because they form the prerequisites for the career development of trainees and judicial advisers. There are challenges in ensuring interactivity within such training programmes’ **Croatia.**
- ‘The Czech Judicial Academy already provides online training to court staff including streaming, instructional videos, online lectures and seminars, e-Learning modules, etc. Those tools can be further developed depending on the development of the pandemic situation, human resources and financial means available’ **Czechia.**
- ‘The majority of our training courses have now moved online. Courses are hybrid (i.e. staff can attend simultaneously, face-to-face and online). Thus, staff have now got used to digital learning and on many occasions prefer online learning to face-to-face learning. One advantage is that the online courses save time on commuting’ **Estonia.**
- ‘Management decided that all domestic training will be delivered in a remote format, until the end of June 2021. When the heads of the courts see how well online training works, and how much time and money is saved by not travelling to events, they will be unwilling to send their personnel to face-to-face training in the future’ **Finland.**
- ‘Online training avoids travel, saves time, and is more flexible for work organisation. Blended learning allows staff to have a better understanding of acquired skills by reviewing e-Learning materials on several occasions’ **France.**
- ‘Online training is already offered, due to Covid-19. There is a high demand (Baden-Württemberg). The technical prerequisites for online training are predominantly unavailable in the courts. The use of private terminals or headsets was not considered by many respondents. It can be assumed that there will be more online training offers. However, this would not be desirable. Face-to-face events, if possible in-house, are preferable to any online event because the exchange and interaction between the participants, and the possibility to ask questions and make statements from one’s own field, are decisive, essential aspects of such training. Online training cannot offer that, which is why many participants are very sceptical and rejecting of online training (Berlin)’ **Germany.**
- ‘If the current situation continues, it will be a one-way process towards online learning. If there are videos and brochures made available online about how we handle situations involving EU law that would be better still, particularly if they can be translated into each country’s mother tongue’ **Greece.**

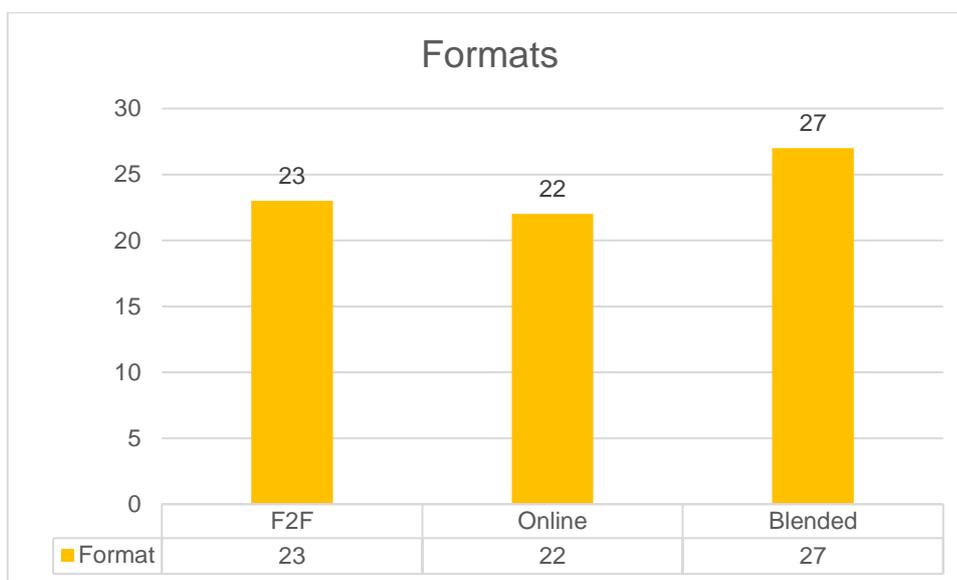
⁵¹ Each entry is recorded in parenthesis to indicate that the views were entirely those of the relevant NCO, even though they have often been summarised by the Project Team to enhance their focus.

- ‘Online training means no need to travel, so participants remain safe and secure. It is cost-effective and flexible to use, and it is partially reusable via e-Learning platforms etc.’ **Hungary.**
- ‘Fully blended online and blended courses should be available to all staff with access at home or in the work environment’. **Ireland.**
- ‘The pandemic obliged us to introduce measures to reduce work on site in public administration offices together with related commuting needs. Much greater use of online learning in the future is anticipated’. **Italy.**
- ‘The anticipated increase in online learning should enable training to be delivered with fewer resources and greater opportunities for transnational training’. **Malta.**
- ‘We already had our own studio facilities to record web lectures, to produce e-Learning modules and to stream webinars. But this was not sufficient to cover the digitalisation of all our courses and we therefore decided to invest in installing digital or virtual classrooms in our main training centre. With these three virtual classrooms, we are now able to offer various judicial training courses online. This amounts now to more than 85% of our training activities, with the possibility of having up to 42 people participating in each activity, interacting with each other as if they were in a real classroom. Over the last couple of months, we have learnt a lot about the use of this technology, the appropriate methodology and ways to encourage our target audience to develop a positive attitude towards this new way of training. It seems to be very effective, and evaluation from participants and trainers has been promising. This is why we believe that the demand for online training programs will still be growing even after the pandemic’. **Netherlands.**
- ‘Due to Covid-19 restrictions affecting face-to-face training, we reinforced our offer of online training (e-Learning courses, synchronous training sessions via digital platforms) and the response of the trainees has been very positive’. **Portugal.**
- ‘As face-to-face training activities present numerous challenges during the present context the online version of the training courses is becoming the norm. Professional training remains an important necessity that cannot be overlooked, even during the pandemic. Despite the fact that online training is now a viable alternative which without a doubt has some advantages (saving resources, the possibility for a larger number of trainees to participate), face-to-face training cannot be totally replaced as it has a number of advantages that ensure a higher quality of training (interaction, effective involvement, a direct rapport between each trainer and the participants)’. **Romania.**
- ‘We anticipate that in the future, even post Covid-19 greater use will be made of online training of all court staff as this will lower costs in several ways: reduction in costs of travel and accommodation, ease of access to materials and better time management’. **Slovakia.**
- ‘Our training centre has transformed most of its 2020 training offer to online seminars, and the results so far are good. Additionally, this online format opens the door to very interesting possibilities such as recording the streaming sessions and storing all the relevant documentation of the seminar so that the online seminars can be available to any interested person on our web pages. This flexible formula allows broader dissemination of seminars and further development of training, tailored according to the needs and time availability of the recipients’. **Spain.**
- ‘Online training courses save the participants time, as they do not have to travel to the location of the face-to-face courses. This allows them to use the rest of the working day more efficiently. These courses do not always fully compensate for the possibility of exchanging experiences and engaging in informal discussions that

come with face-to-face courses. On the other hand, it is easier to organise shorter online training courses that do not cover enough material to make it worth a full day or more face-to-face training'. **Sweden.**

6.6. If more Train the Trainers courses were to be offered in your Jurisdiction, would your trainers be likely to attend such courses if they were provided in any of the following Formats?

Table 14. Preferred Formats⁵²



- Face-to-face in-house
- Online
- Via blended learning

*[The responses to this question need to be read alongside the information provided about **Train the Trainers** courses at 5.6. above].*

The responses to Questionnaire 2 (see 5.6 above) revealed that **Train the Trainers** courses are made available for trainers in 14 Member States, though in several states attendance is voluntary and optional. The Member States who currently offer **Train the Trainers** programmes are the following: Belgium, Bulgaria, Cyprus, Czechia, Estonia, Finland, France, Greece, Latvia, Netherlands, Romania, Slovenia, Spain and Sweden. In those Member States, where **Train the Trainers** programmes are not currently available [Denmark offers some support but not a full programme], the responses suggested that trainers would be likely to attend such courses if offered in the following Member States:

⁵² Please note that some Member States submitted two answers, one from courts and one from prosecutors' offices (Estonia, Denmark, Latvia and Lithuania). For one Member State (Poland) the response is 'unknown'. Answers from the three respondents in Germany have been counted as one because they were consistent between each other.

- All three formats: Austria, Croatia, Denmark (courts and prosecutors), Estonia (prosecutors' offices), Germany (all three respondents), Ireland, Latvia (courts), Lithuania (courts and prosecutors), Portugal, Slovenia (courts and prosecutors)
- Only if online or blended: Hungary
- Only if face-to-face: Slovakia

Every Member State currently providing **Train the Trainers** programmes indicated that more such courses would be welcomed by the current trainers with, in some responses, the following caveats:

- Bulgaria (only if online or blended)
- Cyprus (only if face-to-face or blended)
- Estonia (preference for blended)
- Greece (only if face-to-face or blended)
- Romania (order of preference would be face-to-face in-house, blended, online).

6.7. Post-training Evaluations are important to improve the quality of training Delivery. How are participants' Comments and Evaluations taken into account by relevant departments and trainers when designing future training?

Austria

'All courses and seminars, as well as the respective trainers, are rated using either an analogue or an online feedback system. The assessments are shared with the trainers and are taken into account by the training providers of future seminars.'

Belgium

'The comments of the participants are carefully considered by the appropriate working group consisting of course manager, the trainers and other experts. They evaluate the sessions in order to adapt the methodology and/or the content of the course for the next session'.

Bulgaria

'The National Institute of Justice in the evaluation of its training activities makes use of the Kirkpatrick Model, Levels 1, 2 and 3 (see 6.10). The Institute is working on making use of Level 4 evaluation in its future activities'.

Croatia

'Post-course evaluation reports, together with participants' comments, are taken into consideration by the Programme Council responsible for drafting the annual training programme of the Judicial Academy. Every year, the Programme Council receives an evaluation digest report on the past training year, which it will use as a tool for planning the next year's training topics. Extensive use is also made of the Kirkpatrick Model' (see 6.10).

Cyprus

'After each training event, all participants are asked to fill out an evaluation form providing feedback to the training school for use when designing future training programmes. Particular attention is given to comments on the appropriateness of the selected methodology'.

Czechia

'Evaluation is carried out on a regular basis and trainers can access the results of evaluation through the online database. The results of the evaluation are discussed with trainers and all stakeholders and are taken into account when a new annual training programme is constructed'.

Denmark:

(Courts) 'The Danish Court Administration evaluates the training activities using questionnaires and by dialogue with representatives of the courts in the different committees delivering input on training needs and education of court staff.'

(Prosecutors) 'Online evaluation is compulsory after attending a course. The evaluation includes both relevance, quality and effectiveness. In addition, participants can comment on the practical completion of the courses to make sure nothing of a practical nature influences the quality. The Director of Public Prosecution's Department for Education reviews the evaluation of all courses.'

'Each police district has an employee in charge of the education of the trainees. This employee will evaluate the training offered, including by the Prosecution Service.'

Estonia (Courts and Prosecutors)

'Post-training evaluation is conducted in a variety of ways. The most common method is by a questionnaire sent automatically to the participants at the end of each course. There is also a lot of direct communication between trainers and participants, whose comments and observations will be taken into account in future courses. Where appropriate, the Training Council will discuss the feedback and replace the trainer or change the training methodology in response to adverse evaluations'.

Finland

'The feedback from training is read both by the training lead in the national courts' administration and by the trainers themselves. When planning new training programmes

the feedback from earlier programmes is forwarded to the head of the planning team to help them assess what worked well and what less well, and to identify any new training topics’.

France

‘Comments and evaluations are taken to account in four different ways:

- To inform future training needs analyses, covering such issues as emerging needs, the continuing relevance of topic, format and level of training.
- Working with the trainer at a pedagogic level including analysis of the number of staff requiring further training, an assessment of the relevance and sufficiency of materials and other resources and consideration of whether the training was sufficiently interactive.
- Consideration of the evaluation reports by the individual (s) responsible for running the training programme in each region and at each Court of Appeal.
- Within jurisdictions, each course staff member is evaluated by a senior manager which includes a discussion on the training needs of that individual.’

Germany

‘Feedback from participants will be taken into account when planning another event. If necessary, additional topics will be included, or more space is given to certain topics (Baden- Wurttemberg). Evaluation after completion of the training event is carried out and the trainers are informed of their strengths and weaknesses, occasionally points are awarded. The results achieved are taken into account when designing future training programmes (Berlin). In the course of the training event seminar, critique sheets are filled out and evaluated. Requests for changes in content, criticism of lecturers or request for different training content are asked for in a needs assessment for the coming year and discussed at a training conference. Accordingly, planning takes place (Schleswig-Holstein)’.

Greece

No written evaluation is carried out.

Hungary (Courts Only)

‘At the end of each training session participants receive an electronic questionnaire by which they can evaluate the content of the course, the usefulness of the knowledge provided, the manner of the presentation, and so forth. They can also make suggestions for future training programmes. The questionnaires are anonymous and automatically analysed by the software used. For nationwide training programmes, the person responsible for running the course is required to write a report containing suggestions for the future and identifying any problems occurring within the programme’.

Ireland

‘Pre-and post-course evaluation is carried out at training events. Where training modules are provided privately, they are not evaluated by the training department’.

Italy

‘Evaluation of all our training courses is a relevant proactive tool used extensively to improve the quality and relevance of subsequent training programmes’.

Latvia (Courts and Prosecutors)

‘After each training event, the training bodies analyse the comments of the participants focusing on those of most significance. Many aspects of future training programmes are based upon feedback. Additionally, participants are asked to identify in post-training evaluation forms, topics that might be relevant in future training. In the case of the prosecutors, the views of the Head of Department are also sought.’

Lithuania (Courts and Prosecutors)

‘Post-training evaluation forms are one of the sources used to help define future training needs. Along with questions on the quality of the training (topics, lecturers, materials, logistical aspects, etc.) the participants are asked to show topics they would like to be included in a future training programme. After the forms have been completed, they are analysed and evaluated by the training managers. Feedback will be given to the trainers on the basis of these forms. Trainers are given a summary of the marks they received from participants for their performance, together with any relevant comments of the participants. Further evaluation using the Kirkpatrick Model is also conducted in both the courts and the prosecutors’ (see 6.10).

Luxembourg

Evaluation is the responsibility of the external training body.

Malta

‘Post-course feedback forms are analysed centrally and where appropriate feedback is provided directly to the trainer’.

Netherlands

‘Post-course evaluation is provided both by participants and trainers and will be taken into account in the preparation and development of new training programmes. All points are important: learning objectives, content, methodology, training materials, trainers’ skills etc’.

Poland

‘Each participant completes a questionnaire after each training session which includes what training should be provided in the future? These responses are discussed in depth and the future training needs of participants are formulated and submitted to the training design unit. A strong desire for more ‘training by doing’ has emerged from this process’.

Portugal

‘Comments and evaluations of participants are one of the criteria used to plan the training activities the following year. Based on this information they try to define how to design training’.

Romania

‘An indispensable prerequisite for perfecting and adapting the initial and continuing training programmes to the requirements of the judicial system resides in the constant evaluation of these programmes and the systematic identification of the training needs of the clerks within the courts and prosecutors’ offices. Thus, the Regulation on the Organisation and Functioning of The National School of Clerks, approved by the Decision no. 183/2007 issued by the Plenary of the Superior Council of Magistracy, with all its subsequent amendments, states that the analysis of training needs represents the foundation for developing and adapting all programmes of continuing training. Therefore, at the end of each training activity, the participants fill in evaluation questionnaires, which are later analysed by the School in order to develop further training activities or propose new specialised training classes for specific areas of interest. For instance, seeing how numerous evaluation questionnaires filled in at the end of civil and criminal procedure seminars have revealed the need for training in the area of GDPR, the School’s trainers have developed a webinar focused exclusively on this issue. This tool enabled the participating clerks from both courts and prosecutors’ offices to become familiar with the main European instruments in this area of expertise and the impact they have on the clerks’ daily activity together with the emergence of new legal provisions in certain areas.

Slovakia

‘Post-course evaluation sheets are completed by all trainees. Participants receive a questionnaire from the Judicial Academy after each event and they have the opportunity though not an obligation to complete the questionnaire anonymously. The aim of the evaluation questionnaire is to obtain information that would help to streamline and improve the preparation of further professional seminars in terms of content and organisation. Participants are asked open questions. In this way, they can also actively participate in creating the content and improving the quality of seminars that will be organised for them in the future. The questionnaire is grouped under the following themes on a 1 to 5 rating.

- Content
- Rating of lecturer
- Format of event
- Topics and lecturers you would like to see in future events.’

Slovenia

'Comments and evaluations are gathered immediately after training via a questionnaire. The data thereby gathered will be used in the future selection of trainers, will guide content and will give indications as to preferred methodologies e.g. online'.

Spain

'Currently, once the seminar is finished, satisfaction questionnaires are sent to participants. In September 2020, the survey model was changed, and the new survey model will be applied as of 2021 in order to obtain more useful information and to help define the design of the training plans. At this time, questions are being asked about:

- General; organisation of the course (organisation, information before and during the course, facilities and means)
- Course content and structure: (value, relevance, impact of the training, novelty, usefulness, degree of satisfaction, theoretical assessment and practical assessment)
- Evaluation of speakers: (content and presentation).

The results of the satisfaction surveys are sent to the coordinator of each training activity. But in continuing training, there is no established protocol in place to take into account the results of the surveys when designing the next year's training plan, unless there has been a problem with a speaker or an unsatisfactory evaluation. However, the assessment of all the courses is usually positive and the comments received do not focus so much on training aspects but on organisational aspects (specifically the issue of accommodation). From the second semester of 2021, the School will have the support of a new office for pedagogical transformation (a new unit within the structure of the School the main objective of which will be to guarantee a high standard of quality and efficiency in the training design and activities). This new office will allow the School to go further in the analysis of satisfaction surveys, evaluation, transfer of knowledge to the workplace, the impact of the training activities and application of corrective protocol concerns'.

Sweden

'The comments that have been sent in via online evaluation are compiled and sent to the project manager who manages the particular course. The compiled version is usually forwarded to the trainers. If there is a clear pattern of comments that point out something in particular, the project manager and the trainers might need an extra meeting to discuss future improvements. Otherwise, the project manager and the trainers can use the evaluation results as a guideline for making other smaller changes. If there is a particular demand noted in the evaluation for a new course that does not yet exist, the project manager will evaluate the need for a possible new course on this topic'.

6.8. Summary of Use of Evaluation

It is reassuring to discover, on reading these responses, that the importance of evaluation is fully understood across the Member States' training institutions. Universally, evaluation seems to perform two core functions:

- An assessment of the quality, relevance, value etc. of the course to the participants from their own perspective, which is fed back to the trainers and training managers with a view to improving performance.
- An enquiry as to what training topics might be valuable to participants on future courses.

It has to be said that the evaluation methodology appears to be more or less the same across the great majority of Member States and is essentially quite conservative in nature, based upon a fairly rapid and, at times, possibly superficial process of immediate feedback on participant 'satisfaction' at the end of course. It appears that deeper level analysis of the impact of a particular course upon a participant's wider professional development following, for example, the Kirkpatrick Model is less common (see 6.10).

6.9. Individual examples of Evaluation responses

The second part of Question 7A sought examples from Member State training evaluations of the most recurrent comments from participants as to what works very well and what could be improved. We justified this question on the basis that responses would help us to make a recommendation on how to design more effective training across all Member States. Some NCOs felt unable to provide meaningful examples, either because they did not have access to the evaluation responses, or because there were far too many for them to analyse. We set out below a summary of the responses to the second part of Question 7.

Croatia

The NCO provided a particularly detailed and reflective response to this question.

'Reading the comments of participants involved in the training on EU law, one can often form the opinion that EU law is a very difficult and challenging matter that demands a lot of time and effort to be understood. In their reports, the trainers point to the problem of insufficient training in the field of the application of EU law, certain legal norms are recognised at a general level, but it is much more difficult for the participants to recognise them in the actual work on a concrete case. They find the application of EU law very abstract. When the participants are asked to recall some provisions of EU law, it is very hard for them to do. However, when it comes to specific cases, it is often discovered that these provisions are already in place, but the participants are not aware of them.'

The following are a few more highlights that were gained through the evaluation:

- There are numerous sources of law adopted with the obligation to implement EU law, which is a great challenge in designing training sessions.
- The mandatory application of EU law introduces more and more dilemmas into national jurisprudence – another huge issue in training.
- There is great complexity in the application in practical work.

This is why the expertise of the trainers and their good methodological skills are extremely important for this thematic area. In teaching, the emphasis should be on the presentation and analysis of specific practical examples (not hypothetical), on the elaboration of 'problem areas and issues' and on the explanation of situations that may arise in their daily work'.

Cyprus

The NCO provided a general reflection on how their course planners make positive use of any recurrent comments that emerge from participant responses. She stated that it is now their policy to concentrate upon recurrent comments from participants as to what works well, as follows:

- Methodology – a preference has been expressed for mixed training tools i.e. PowerPoint presentations, use of videos, use of case studies, workshops encouraging discussion and problem-solving exercises.
- The importance of the teaching and pedagogical skills of trainers following positive comments on a good trainer's ability and skills to transfer their knowledge to the participants.
- Materials should be provided to the participants both before and after the training event.

Czechia

'It is very difficult to provide a summary. It always depends on the purpose of training and it can differ when it comes to the initial training or to continuing training. Generally speaking, if the training provided is of good quality, then all different forms of training are appreciated. Case studies and instructional videos are very popular'.

Estonia

(Courts) 'Pursuant to the feedback given during 2019-2020, the participants highly valued the use of teaching methods that promote active engagement (discussion seminars, practical simulation exercises, case-based learning, etc.) during different training events. Additionally, the participants have noted that long training events which only consist of lectures should be avoided, as the participants' ability to actively follow lectures wanes during the latter part of the day'.

(Prosecutors) 'The most important aspect of successful training is the professional trainer, who knows the subject. It would also be good sometimes if the trainer could send training materials before the training event so that participants could prepare for the training. Different interactive methods also work well, because it is widely known that the lecture where people are not involved is quite boring. We think this is where we have the most room for improvement'.

Finland

'The most common comments are a) more time for discussion is needed, and b) more practical examples are needed. The majority of our court staff do not have a legal training background or if they do, it is only at bachelor level and thus they always say that they learn

best by doing. Theory and law are of course important, but training should be as practical as possible. They want somebody to tell and show them what to do and how to do it. They want to discuss issues with each other and learn best practices from others’.

France

The NCO provided us with the following Table:

	WHAT WORKS VERY WELL	WHAT SHOULD BE IMPROVED
Initial training	<ul style="list-style-type: none"> - The specific technical knowledge of the trainers. - Listing of useful links given for jurisdictional searches once the court staff member is back in their jurisdiction. - The richness of the trainer’s contribution. 	<ul style="list-style-type: none"> - The training is too generalist. - Duration of the training not adjusted. - Insufficient documentary support. - Large gaps between the training sessions.
Continuing training	<ul style="list-style-type: none"> - The specific technical knowledge of the trainers. - Time for questions and interactivity. - The various content, media and information. - Exercises, case studies. 	<ul style="list-style-type: none"> - Not enough time for exchanges, or supplementary questions. - To provide more exercises, case studies. - Setting up FAQs on the various websites available.

Germany

The NCOs provided the following observations.

Baden-Wurtemberg. ‘The organisation of on-site events and the appointment of a conference leader from among the participants works very well. This also applies to online events.’

Berlin: ‘On the positive side, training and further education is carried out by very motivated trainers and the training providers (Judicial Academy, Court of Appeal, Hochschule für Wirtschaft und Recht Berlin) make an effort to develop and organise demanding programmes. Often, however, active participation in these events is not appreciated by colleagues or superiors, as this may interfere with their day-to-day work for a few days. Sometimes it is even assumed that the employee is only ‘educating himself’. The positive effects of knowledge transfer among employees as well as the impulses on motivation, willingness to perform and commitment to the organisation are underestimated. It would make sense to raise awareness of the positive effects of well-trained and constantly well-educated employees with regard to the tasks to be fulfilled by the organisations as a whole and on an ongoing basis (keyword: management training!).’

Italy

‘Comments from participants differ significantly according to the themes and methodologies used in the training events. It may often happen that time dedicated to certain topics is too limited and inadequate to allow for appropriate depth in the teaching of the topic. This is often due to the need not to remove staff from their office work for too long.’

Latvia

(Courts) ‘Most commonly the participants ask for practical training, with practical examples or case study exercises’.

The NCO for Prosecutors provided a more detailed list of comments with quite detailed suggestions for improvements including:

- Need for timeliness of information on training (at least 2-3 months before training).
- Merge some training blocks into a combined programme.
- Preference for afternoon sessions over mornings.
- On frequency and intensity, optimally 2 days per week with max. 4 hours per day.
- Need for a reliable lecturer who is also a recognised practitioner.
- Case studies should be based on practical examples of both good and bad practices.
- Handouts should be supplemented with a list of regulatory frameworks.’

Lithuania

(Prosecutors) ‘Training events with practical exercises are well received. Similarly, training where the experts invite participants to use their own research tools is well received, for example where participants are required to carry out a survey, or a knowledge check. 2-3 days of consecutive training outside the place of work i.e. not in the same building is preferred by many. Such longer format out-of-the-office training events have greater training impact, as participants are immersed in the training leaving their emails, cases, working problems, etc. outside the training arena’.

Netherlands

‘We provide more than 2,000 training activities per annum and with more than 26.000 participants a year, it is not possible to get to all evaluation forms to pick one more valuable for this Questionnaire. However, to design an effective training activity, it is necessary to focus on the following: any training programme should be needs-oriented, focusing on the specific target group, with adapted use of adult learning methodology’.

Poland

‘The participants are very satisfied with the workshop technique of the training’.

Portugal

'Usually, participants endorse the quality of the trainers and their command of their subjects. Participants also frequently request that the length of the training activities should be extended'.

Romania

The NCO provided an extensive list of common comments as follows.

Positive reviews:

- "Very accomplished trainer", "Excellent structure of the training activity", "There were many informative materials", "Many issues of contradictory case-law were cleared", "Excellent balance of both practical aspects that were taken into discussion and the theoretical notions".

Should be improved:

- "The training activity should have lasted longer", "More training activities needed", "Increasing the duration of the seminar, so that more issues regarding the international judicial cooperation in civil and commercial matters can be discussed, in addition to solving case studies and filling in the dynamic forms", "Judges should also participate in future seminars, together with clerks, and, if possible, some training activities could be addressed specifically to the judge-clerk teams." "If possible, some training activities could be addressed specifically to the judge-clerk teams", "Accommodation conditions should be improved."

Slovenia

The NCO provided a number of examples of specific proposals resulting from evaluation questionnaires: 'more video-based content, training in the field of interpersonal relations, etiquette, respect; training in the use of the Slovene language; training in the relationship between the client and employee; the need for further **Training the Trainers** events and more training in the form of workshops'.

Sweden

'Comments about the relevance of the topic sometimes point out that a particular session includes a lot of relevant examples and when participants are given, for example, a collection of relevant court cases/precedents to keep, it is usually seen as positive. At other times, courses can generally be perceived as a little too academic, theoretical and detached from everyday work situations'.

Summary of key priorities emerging from this survey of Member State responses:

- Strong preference for training based around case studies that are practical and relevant.
- More time should be allowed for interactive discussion, whether face-to-face or online.
- Use of a wide range of teaching tools to be encouraged.

- Quality of trainer is a critical factor (knowledge of the subject, good interpersonal skills etc.).
- A highly theoretical and academic approach to the topic is not to be encouraged.
- Provision of course materials in advance of and following the course to be encouraged.
- Training events should be longer and/or the number of such events increased.

6.10. Do you make use of the Kirkpatrick Model, either the original or the New World model?

The Kirkpatrick Model has evolved over several decades and is generally recognised as the industry model for evaluating training across all types of professional courses. The original Model proposed that the effectiveness or otherwise of a training event or programme should be assessed across four levels *[The subsequent further explanation and expansion of the four levels by the Kirkpatrick team in 2010 are added in parenthesis in red].*

- **Level 1 Reaction:** the degree to which participants find training favourable, engaging and relevant to their jobs *(including participant engagement and perception of relevance).*
- **Level 2 Learning:** the degree to which participants acquire the intended knowledge ('I know it'), skills ('I can do it right now'), attitude ('I believe this will be worthwhile to do on the job'), confidence ('I think I can do it on the job'), and commitment ('I intend to do it on the job') based on their participation in the training.
- **Level 3 Behaviour:** the degree to which participants apply what they learned during training when they are back at their job *(Required drivers: processes and systems that reinforce, encourage and reward the performance of critical behaviours on the job).*
- **Level 4 Results:** measures the long-term impact of training on human lives, the working environment and the organisation including the degree to which targeted outcomes occur as a result of the training. *[Leading indicators: short-term observations and measurements suggesting that critical behaviours are on track to create a positive impact on desired results].*

Where an NCO indicated in their response to Question 7B use of the Kirkpatrick Model either in whole or in part, they were invited to provide more information. We set out below a summary of their responses.

Belgium

The NCO provided examples of the forms used for some training events based upon a fairly precise mirroring of the Kirkpatrick Model, Level 1 (general questions in order to measure the satisfaction of the participants to the training) and Level 2 (knowledge acquired by the participants)

Croatia

‘Our evaluation method has relied on Donald Kirkpatrick’s Model from the outset. It envisages four stages of evaluation activities. It was neither possible nor necessary to implement all the stages immediately. As the programme opus has developed and the human resources of the Judicial Academy have strengthened, the scope of the evaluation has broadened and risen to a higher level.

Level 1 measures the Reaction, i.e. the level of satisfaction of the participants with the training event immediately after its completion. This is the most frequently used evaluation form in general and it has been used at the Judicial Academy since 2005. It has been applied as a standardised form, filled in by the participants. A statistical presentation of the results was prepared and in addition to the trainers’ reports, which were not standardised at the time, those were the two main sources for the assessment of the quality of the event.

This was the case until 2011, when the digital evaluation was implemented and paper and pen were replaced by computer software named ILIAS, our professional programme for the evaluation of training activities. The existing questionnaire was expanded with new questions and adapted for digital usage. Moreover, the trainers’ report form was standardised and a novelty was introduced, the so-called final evaluation report for each conducted training cycle. The final evaluation report processes the data collected through survey questionnaires and trainers’ reports and the relevant data are thus obtained on:

- The achievement of the teaching goals
- The quality of the training materials
- The organisational aspects
- The methodological skills of the trainers
- Normative-legal aspects related to the case-law and problems in applying legal norms

All the final evaluation forms for the current year are being collected in the Yearbook and submitted to the Programme Council of the Judicial Academy for consideration and review and they are used as a basis for the programme of the activities for the following year.

Level 2 according to Kirkpatrick, measures the effect of Learning: it represents a step beyond the estimation of the satisfaction of the participants with the training event, in line with the more objective assessment of what the participants have actually learnt? The application of the achievement test is the formal way to assess what has been learnt. This Level was applied at the Judicial Academy back in 2012 in the training programme for judicial trainees. In cooperation with the trainers, a database of around 300 questions from different areas was established, from which the questions for the mini tests that were conducted after each teaching topic were taken. At the end of the day, the trainees would fill in a digital test of about 10 questions for the purpose of self-evaluation via ILIAS, in order to find out what they have learnt and what has been left unclear? ILIAS has provided statistics of correct and incorrect answers for each question immediately. The trainers would then be familiarised with the indicators, and then they would work with the trainees on the questions where the most incorrect answers were given.

Testing is a culturally sensitive process. Adults do not like to be subjected to testing, especially judges and prosecutors. The fact that they will be tested can frighten potential participants and discourage them from participating in lifelong learning. Understanding the delicacy of knowledge testing, in 2019 we started the implementation of the so-called quiz at the beginning and at the end of each training activity as a way of self-assessment of the knowledge of participants. The feedback we received from judges and prosecutors was stimulating and encouraging. The quiz method was well accepted, rated as a good

motivation to deepen legal knowledge and recommended as a permanent and regular activity in the preparation and implementation of teaching.

Level 3 gauges the effects of teaching from a long-term perspective. Are the participants really able to apply what they have learnt/should have learnt in a “real” environment? Do they retain their knowledge and skills after the training event is over? Have there really been changes in their behaviour (skills and attitudes) that could be attributed to the effects of the training?

For the first time, the measurement of the effects of training over a longer period of time started in 2017. Thus, Level 3 of the Kirkpatrick Model became the evaluation standard at the Judicial Academy. Due to the length of the procedure, as it requires time and implementation resources, one or two topics from the entire annual programme are selected for long-term evaluation chosen because of their specific characteristics and significance to the judicial system as a whole.

Level 4 – The highest level of the Evaluation Model measures the long-term impact of training on human lives, working environment and organisation. This form of evaluation is used rarely, because it is difficult, if not impossible, to distinguish the effects of learning from many other factors, and its application requires financial and human resources that exceed the capacities and capabilities of the Judicial Academy.

From this summary of the development of the training evaluation procedure at the Judicial Academy, the following is evident:

- The quality and effects of the training of judicial officials are the key focus of the management of the Judicial Academy and they are continuously being broadened and improved.
- The Judicial Academy carefully analyses the answers and recommendations of all the participants and trainers. All these valuable analytical data are available to all the interested parties in written form. The trainers, the Judicial Academy staff and the Programme Council members currently benefit the most from the evaluation and they receive guidelines for their work in the following period through the evaluation.
- The final evaluation reports contain suggestions made by trainers on the areas that should be studied more by conducting empirical research. We believe that it would be useful for the entire judicial system if particularly important and sensitive legal issues would be empirically deepened and analysed. That would be an important step towards the implementation of the final, the fourth stage of Kirkpatrick's Evaluation Model.

Cyprus

‘We consider that feedback from participants is very useful in preparing and organising upcoming training programmes both as regards content, training methodology, choice and performance of trainers and relevance/usefulness of the seminar. In evaluating training programmes, the Cyprus School for Judicial Training currently employs tools of Level 1 of the Kirkpatrick Evaluation Model and in preparing the evaluation questionnaire, guidance was sought from the EJTN Guidelines for Evaluation of Judicial Training Practices Handbook, with regards to the type of questions to be asked (open and closed), grading system, the length of the questionnaire, etc. The evaluation questionnaire is placed in the training dossier of the participants, and reference to it is made throughout the training event, emphasising its importance. All participants are requested to complete the form at the end of the seminar and submit it anonymously. Only after submission, do participants receive a certificate of attendance.

It is also interesting to see for the future the relevant tools we might employ for Levels 2, 3 and 4 of the Kirkpatrick Model and in this regard, the Handbook is very useful in explaining and presenting examples of such tools.'

Czechia

'As regards the evaluation of training, the Czech Judicial Academy monitors and assesses how participants react to the training Level 1 (e.g. satisfaction); if they truly understand the contents of training Level 2 (i.e. if training results in the increase of their knowledge, skills or experience); and Level 3, if the training can contribute to changing their working behaviours and has a positive impact on their working habits.

Such an approach corresponds with the Kirkpatrick Model. However, we often go beyond that Model. The depth and extent of evaluation always depend on the purpose and amount of training, its main audience and key objectives.'

Denmark

'The Danish Prosecution Service has developed an evaluation form inspired by several models (incl. Kirkpatrick) and adapted to our specific needs of feedback in relation to further development of our courses. On 1 March 2020, we changed our evaluation programme to ensure that the feedback was more concrete and therefore also more useful for our development work. This meant shortening our evaluation form to make sure our participants were motivated to answer all questions in detail. The evaluation form must be filled out within 2 weeks after the course. 8 weeks after the course the participants receive another evaluation form with just one question:

To what degree has what you learned on the course been useful in your daily work? (scale 1-5). This is to evaluate the effect of the course on practice.'

Finland

'Currently, we use Levels 1 and 2 from the Kirkpatrick Model. This means that before the training event begins, we ask the participants what are their expectations for the training event and what is the knowledge level they currently have in a topic? After the training event we ask their general opinion about the training: Did it meet its target, how was it delivered, how were the trainers, etc.? (General satisfaction information) and about the participants' own engagement during the training (-how active they were)? and the relevance of the training, i.e. what they learned and how they think their level of knowledge has increased)? And of course, what could be improved for the next training.

During this year, we are planning to pilot also Level 3 – behaviour, i.e. how participation in the training event has affected their behaviour? This is still work in progress.'

Italy

'In compliance with the Kirkpatrick Evaluation Model, we use surveys, in particular, to measure satisfaction and training effectiveness. In order to measure satisfaction, we look beyond the expressed satisfaction of the participants on a particular training course to include organisational and logistical aspects, including the perception of the usefulness of the training course, and the satisfaction about the didactic effectiveness of the teachers.

The measurement is applied to every central and peripheral course, using surveys containing close-ended questions with numeric scales, plus open-ended questions. To measure the impact of the training on the organisation, focus groups/interviews are organised after certain periods of time to verify effective improvements in work performance and organisational results (Levels 3 and 4).’

Latvia

- **Level 1 – Reaction**

We measure reaction after all of our events.

We send online surveys immediately after the event.

We are present at our training events ourselves to observe the interaction between the participants themselves and the trainer.

Our Level 1 surveys cover the questions in both the original and the New World model.

- **Level 2 – Learning**

We use Level 2 only in some of our events.

We ask the participants to reflect on their learning or to practice their skills during the training.

We do not give tests to our participants.

- **Level 3 – Behaviour**

We use Level 3 only after some of our events.

We send online surveys 3-6 months after the event.

We ask our participants if they are using what they learned in training in their daily work?

We ask them what might be obstacles, if any, preventing them from using new skills in their daily work?

Currently, Latvia is in the process of redesigning their surveys, both those that are sent to participants, as well as those that are sent to the trainers.’

Lithuania

(Courts) ‘We apply the Level 1 Evaluation based on the Kirkpatrick Model. We examine the feedback right after the training. Our questionnaires are prepared according to the recommendations for Kirkpatrick’s Level 1 evaluation. We ask the participants to provide us with information on the usefulness of the training, if they would recommend the training to their peers, and ask them to evaluate all the lecturers of a particular training event separately’.

(Prosecutors) ‘In our office, we perform Level 1 – Reaction, to all our training programmes. We put the results into our inner database. The results of the reaction usually help us to form a general view on the training that we organise, on any problems, from (lack of) expert competencies to cold coffees, to which we can react directly, e.g. we had in practice a service provider that was not performing under the signed contract, so we intervened the same day that we received evaluation under Level 1.

Level 2 is not always undertaken. As with Level 3, we will need more practical training to perform these higher evaluation assessments as part of the development of institutional practices. This is likely to include interviewing chosen participants (prosecutors) with whom we usually work when organising various training events. Currently, the range of questions is not wide and not measured, and is also not systematic. This is something we will seek to change.'

Poland

'The Kirkpatrick Model is used in part in the National School when assessing the effectiveness of initial training. Evaluation takes place after each training session, assessing the level of satisfaction with the training, at both Level 1 and Level 2. Continuing training at the National School is assessed by training participants completing the evaluation questionnaires. The questionnaire includes questions about the training programme and methods, the training organisation, personal motivation to participate in training, as well as questions related to the assessment of individual lecturers in terms of substantive knowledge and substantive preparation; the ability to transfer content and create a favourable climate for joint work and the degree of programme implementation.

The National School also organises a series of continuing training events that are assessed on Levels 1 and 2 of the Kirkpatrick Model (e.g. cybercrime, tax crime, effective communication in the courtroom, managing conflict in the courtroom). During these training events, participants are asked to engage in written pre-tests and post-tests.

In 2019, the National School conducted research on the effectiveness of training judicial trainees. It evaluated the effectiveness of the judicial training at Level 3 according to the Kirkpatrick Model. The research was conducted among the graduates of initial judicial training after one year of their professional work as new court assessors. The research was based upon the opinions of other court assessors and heads of departments on the degree of preparation of trainees for their service. The outcome of the research allowed for an assessment of whether trainees' real needs could be shown to have been met by the training offer of the National School.

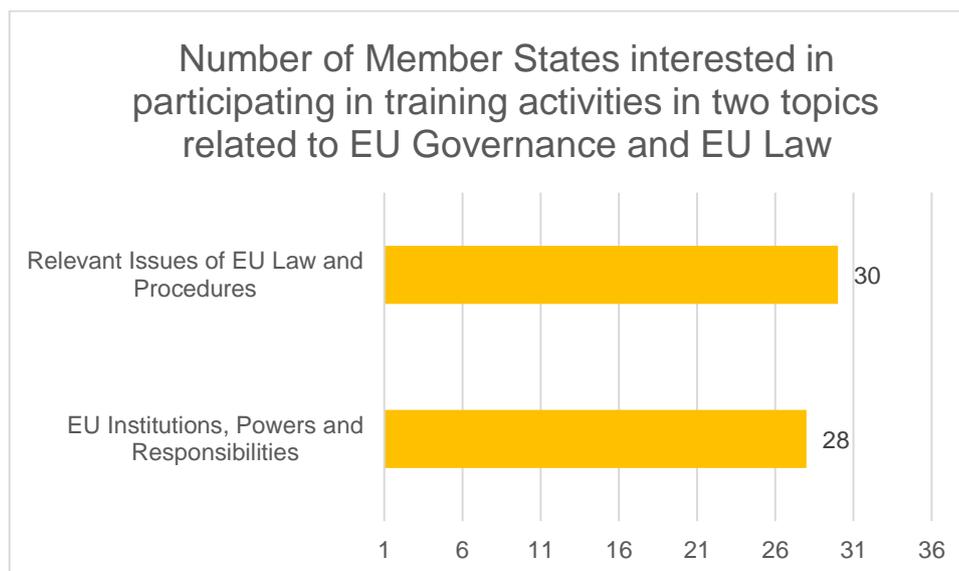
In 2020, the National School organised an event entitled: "Management of Justice Units. A leader in a crisis – supervision.". That training event was directed at the Presidents and Directors of district courts who had participated in the training entitled: "Management of Judicial Units." organised in 2018. Thus, it allowed for the observation of changes in the behavior of training participants and, by meeting with peers, it allowed reflection on their behaviour to take place, in line with Evaluation at Level 3 of the Kirkpatrick Model.

In 2021, the National School plans to organise a further training event entitled: "Management of Judicial Units". This training will provide a continuation of the 2020 programme. The aim of the training is to provide participants with new knowledge about modern methods of human resource management and the building of an effective team, as well as effective communication with the media in crisis situations. According to Level 3 of the Kirkpatrick Model, the training will be aimed at people who have completed this course in previous years, and its task will be to consolidate the acquired skills necessary to deal with a crisis, from the point of view of managers as in a pandemic situation.'

6.11. The Appeal of generalist Courses in EU law and governance among EU Court Staff (Type 1 and Type 2)

To reflect the fact that more training on specific aspects of EU law is clearly required in many places, we asked participants if they believed that court staff in their country would be interested in participating in a course on ‘Relevant Issues of EU Law and Procedures’, or a course on ‘EU institutions, Powers and Responsibilities’? The great majority of respondents answered positively.

Table 15. Number of respondents according to which court staff in their country would participate in two general courses on EU law and governance.⁵³



Furthermore, we wanted to clarify, if the two courses in question are provided only in the English language, would these be accessible to all staff? 15 respondents (including three for Germany) stated that their answer would be different if the training were to be offered in English. In some cases, respondents explained that, though their answer would stay the same, a lower number of participants would attend the training activities (e.g. Czechia). Below we have included information that will be useful to help identify any language barriers that should be taken into account when designing generalist courses for EU court staff. In many cases, respondents have not only limited themselves to pointing out a potential language barrier. They have also indicated the languages that could be used in place of English, as well as alternative solutions, including simultaneous and asynchronous translation, subtitling, and the provision of written materials.

Belgium

‘It is difficult to envisage courses in English. It would be more practical if they could be provided in French or with interpretation’.

⁵³ Four Member States submitted two answers (Estonia, Denmark, Latvia, Lithuania). Germany submitted three answers, but these were counted as one given that they were consistent between themselves.

Cyprus

'Many court staff members are not fluent in English and therefore without a training event being conducted in the mother tongue, it is extremely difficult. An alternative method would be to conduct short seminars in English but provide written material and handbooks/manuals in Greek'.

France

'Recruitment requirements do not require a level of English for the court staff and the level of English of the court staff differs according to their academic, professional and personal background. For those who do not speak English or do not have sufficient knowledge of legal English, it would be necessary, in addition, to translate the materials, to provide English legal seminars, or provide the training in French.'

Germany

'(Baden-Wurtemberg) 'An English course is a practical option if there is demand and relevance to the service. Without previous knowledge, attending an English course will not be sufficient for participation in a training course in English. In our view, it would be desirable to offer a course in German, so that all interested parties have the same opportunity to participate in the course. (Berlin) It would make sense to establish courses that can be taken as part of educational leave or in-service training. Overall, specialised language courses should be promoted more strongly, and we should develop more formats such as the 'Anglo-German Judicial Conference Series', which has been very successful for years with the participation of Germany, Switzerland, Austria as well as the United Kingdom, and Ireland, organised by the participating ministries of justice.'

Latvia

'If in English the answer would still be the same, however, a significantly smaller number of court staff would take part in the training'.

Lithuania (Courts)

'Fewer people would be able to participate, due to the language barrier'.

Luxembourg

'All our Court staff understand and speak French and German fluently. However, a lot of them do not master English. The only option would be that the course in English is translated'.

Netherlands

'There is no training on legal English (except for some Legal Assistants at the Court and Juridical staff at the Public Prosecution Office). For the other legal assistants and Justice

professionals including court clerks, it means that legal English would have to be a priority which will require more time for training and a budget’.

Poland

‘The most serious problem in this regard is the number of court staff (over 35,000) and the fact that a large number of them (perhaps even most) do not speak English. The judiciary training unit is unable to provide language training to such a large number of people’.

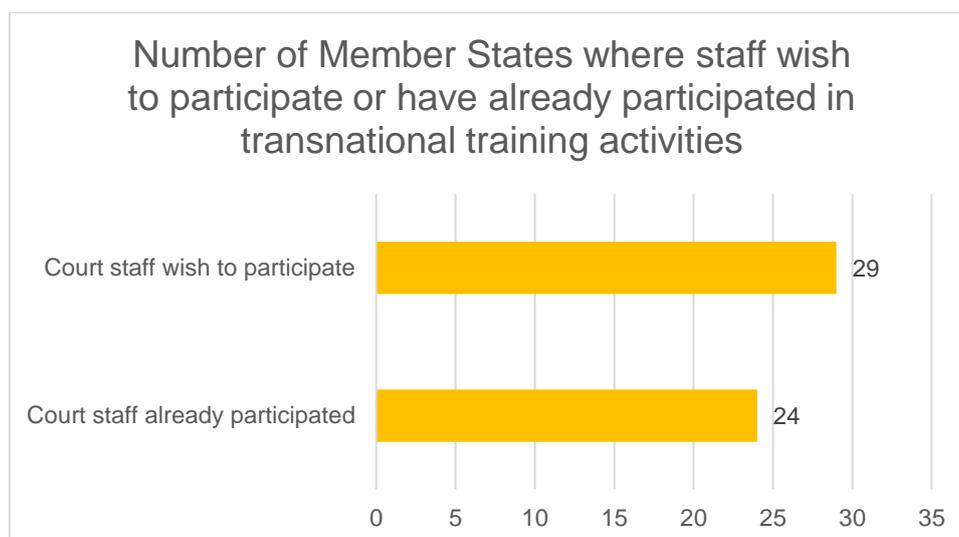
Romania

‘Considering that among the total number of clerks working in the judicial system, the level of fluency in legal English can constitute a language barrier, we believe that a translation of the online material should be carried out, so that it can be properly understood by clerks working in courts and prosecutors’ offices. In the case of a ‘live’ training session, the solution of simultaneous translation might be available, with the help of one of the School’s trainers, who could participate for that purpose. In the medium and long term, we believe that increasing the number of training activities focused on legal English might enjoy widespread popularity among the clerks in our judicial system’.

6.12. Court Staff Participation in past and future transnational Training activities

Following up on interests earlier expressed in attending transnational training, we asked participants to indicate whether, should the European Commission encourage the use of transnational training, their national court staff would wish to participate? In addition, the questionnaire investigated court staff’s previous experience with transnational training activities.

Table 16. Overview of contexts in which court staff (Type 1 and Type 2) have participated, or wish to participate, in transnational training activities.⁵⁴



⁵⁴ Five Member States submitted two answers (Denmark, Estonia, Hungary, Latvia and Lithuania). The national response for Slovakia on the first question, on whether court staff has already participated in transnational training activities was ‘unknown’.

All respondents, except Denmark, mentioned that court staff would like to participate in transnational training activities. Denmark's answer is reported here below:

'Transnational courses would only be relevant to a very limited number of court clerks, and for most courts, it would be difficult to find the resources (time and money) to offer such training especially if it required travelling to another country.'

Some of the respondents who believe it would be useful for court staff to participate in transnational training have also provided details on what they think could be the challenges, advantages and best formats. We summarise these responses below.

Belgium

'Poor knowledge of English is often a barrier to court staff attending transnational training sessions. In addition, the daily workload and the difficulty in some cases of taking time off for several days has to be taken into account. But it would be useful that the same people attend these training sessions because they could become a resource person in their court, facilitating the spread of knowledge of EU law and allowing other colleagues access to quality EU law training. Meetings based on the exchange of good practices from the concrete handling of cases would be a good idea'.

Bulgaria

'There will be strong interest from candidates with good language skills'.

Croatia

'Most advisers at courts and prosecution offices have a good knowledge of English and they are eager to participate in transnational training events'.

Cyprus

'Yes, especially for those who are fluent in English'.

Czechia

'Yes. It will depend on content, format, and foreign language comprehension. Not all court staff are required to have a good level of English language skills because they do not need this for the fulfilment of their everyday working tasks'.

Lithuania (Courts)

'Our court staff are generally enthusiastic about the possibilities of having international/transnational training. Of course, not all of our court staff speak English, so again such training would not be accessible to everyone. However, a substantial percentage of court staff would be able to participate and would be eager to do so'.

Luxembourg

'In principle, it would, of course, be positive, if the EU Commission would encourage EU-level networking of all court staff training providers'.

Romania

'Seminars and training activities, as well as various workshops held by European partners while implementing projects in which the National School of Clerks also took part, have constantly revealed that a great number of clerks have expressed their interest in participating in these activities. At the same time, these clerks have also proven, during the selection procedure, that they possess the needed level of English in order to participate in the aforementioned activities so that they can eventually communicate to their colleagues in courts and prosecutors' offices the aspects that were taken into discussion'.

Spain

'Yes. As a matter of fact, having the chance to meet and interact with other EU court staff is one of the major assets of transnational training.'

6.13. Previous transnational Training activities: areas of Law covered

In their answers, most of the respondents have provided information on transnational training activities which court staff in their country have attended before. The transnational training activities listed were organised by international training institutions, including EJTN, ERA, EIPA or by national training bodies, including Judicial Schools. Concerning the location of the training, some took place online, other events were held face-to-face in the country, and others involved travelling abroad. An interesting feature of some abroad transnational training programmes is that these took the form of short-term exchanges in the framework of the EJTN Exchange Programme for Judicial Authorities.⁵⁵

In terms of topics, the 'Better applying cross-border procedures: legal and language training for court staff in Europe' course was attended by the court staff of several Member States [see 5.8.]. Some of those countries which did not indicate this particular training programme still reported attending other training activities focusing on cross-border procedures, legal terminology and legal English. From the responses, it emerged that transnational training often focused on legal topics with a transnational or EU dimension, including:

- European cross-border cooperation
- Judicial cooperation in civil and commercial matters
- Judicial cooperation between EU Member States in family matters

⁵⁵ The Exchange Programme for Judicial Authorities currently offers different kinds of short-term exchanges for EU judges, prosecutors and trainers: General exchanges, Specialised exchanges, Bilateral exchanges, Presidents/chief prosecutors' exchanges and Exchanges for judicial trainers. Study visit at European courts and European and international organisations are also organised throughout the year as well as Long-term training periods. In the case of the bilateral exchanges, court staff are already included to some extent: On their own initiative, a group composed of a majority of judges or prosecutors from the same court or prosecution office, that may also include some court staff, spends one week in a court or prosecution office in another EU member state to exchange experiences and best practices on a specific topic of common interest. In addition, in its Strategic Plan 2021-2027, the EJTN General Assembly decided to expand its training activities to include court staff (see 7.13 paragraph 3).

- International judicial cooperation in criminal matters
- The European Charter on Fundamental Rights and ECtHR case-law
- EU waste legislation and the protection of the environment through criminal law
- Service of documents and taking evidence abroad
- Cybercrime
- EU Family Law
- Competences of the EPPO and cooperation with national authorities
- European Intellectual Property law
- EU Competition Law

Other topics included:

- E-justice
- Commercial law
- Hate crime
- Freedom of expression
- Economic crimes
- Asset recovery and confiscation
- Gathering and admissibility of evidence in counter-terrorism
- Legal English

There is another important aspect that emerges from the responses. Respondents indicate that the value of attending these transnational training events goes beyond the acquisition of practical knowledge on laws and procedures. Participation facilitated communication, helped exchange of good practices and ultimately, increased mutual trust.

6.14. Court Staff interest in EU-level Networking

Finally, our Questionnaire asked, if the European Commission should encourage the setting up of EU-level networking platforms a) for all court staff and b) for training providers, would this be a positive development? The majority of respondents welcomed this initiative and provided suggestions as to what shape this could take.

The mode for judicial exchanges across the EU is now well established and administered by EJTN. In some cases, such exchanges already include court staff (bilateral exchanges).⁵⁶ It should be capable of easy replication for court staff exchanges.

According to respondents, networking activities for court staff and training providers would have the following beneficial aspects:

- Provide a platform for the exchange of good practices.

⁵⁶ Ibid.

- Support the dissemination of information.
- Facilitate exchanges with experienced colleagues.
- Improve the treatment of EU files by this category of staff that is working constantly side-by-side with magistrates and is on the front line of EU citizens.
- Help to interpret EU law in similar ways.
- Facilitate networking.

Some have focused on the possible impact that exchanges between trainers would have on the quality of the training delivered to national court staff. Accordingly, an EU-level networking scheme for trainers would help to:

- Create consistency between training activities delivered in the different countries.
- Design a pan-European training programme.

Those respondents who suggested that the networking scheme could work for trainers made suggestions on how such a platform could be set up. Accordingly, relevant stakeholders should come together, discuss and identify current and common training needs and develop a 'pan-European training programme', whose planning should be 'centralized' to avoid discrepancies. The programme should be regularly questioned and revised, to ensure its relevance. Two other creative suggestions were to organise mentorship schemes, to support and help the development of training staff and trainers' apprenticeships schemes, to provide work-based training for trainers.

Some responses have also made suggestions on what an EU level networking activity could entail. Accordingly, a prototype could be the already established model of EJTN , as it was widely considered that EJTN has huge experience with EU-level networking of training providers and with the organisation of high-quality judicial training. Respondents have also mentioned that the activity could take place face-to-face or online and that learn-how should be the focus.

7. Summary and Recommendations

In 2019, the European Commission’s Directorate-General of Justice and Consumers (DG Justice and Consumers) launched a ‘Study on the Training Needs of Court Staff on EU Law in the EU’. The Study was carried out by a Consortium led by EJTN in collaboration with the EIPA. It was intended that this Study would build upon an earlier study on the same topic also commissioned by the European Commission and published in 2014. Other studies, conferences and projects dedicated to EU court staff training have also been conducted since 2014. All these initiatives have provided useful background material for the current Study. Of particular value in this respect were the EU co-funded Consortium-led Projects on “European Judicial Training for Court Staff and Bailiffs”.⁵⁷ Building on a series of coordinated activities between 2015 and 2018, the Consortium came up with a number of conclusions and recommendations that foreshadowed and to some extent underpin the recommendations of this Study. These included, for example, the proposal that individual court staff and bailiffs should participate regularly in training activities to enhance their competence and knowledge of evolving EU law; that training providers be encouraged either bilaterally or multilaterally to develop common e-Learning modules on relevant EU law, to organise common Train the Trainers activities, and to work together on the development of common transnational training modules; and that training providers in Member States should work together to build the basis of an informal EU network of court staff.

Our Study is, however, altogether more comprehensive and wide-ranging, relying primarily upon its own data collected at national level across the EU Member States throughout 2020–21, to reflect the many new and varied developments that have taken place in this area of activity since 2014. Our broad overall conclusion is that:

- There has been a significant increase in the amount of targeted training for court staff in EU law since 2014.
- The range of methodologies used for such training has increased and diversified; as has the range and backgrounds of trainers used, and the willingness of court staff and court staff trainers to engage in transnational training.

There remain, however, a number of areas of training activity still ripe for development and improvement, as will be seen in the Summary and Recommendations below. See also Annexe 12.

⁵⁷ Supra at paragraph 1.2.

7.1. Choice of Methodology for the Project

The methodology selected for this Study was incremental and precise, as follows:

- Starting with data on the numbers, roles and responsibilities of court staff accumulated from the previous study in 2014.
- Systematically reviewing and updating the data at source, via an initial Questionnaire (see **Annexes 2-7**).
- Administering a second Questionnaire concerning the training in EU law provided to court staff (where relevant to their tasks).
- Recording and analysing the accumulated data in tabular form (see **Annexes 8-11**).
- Administering a third Questionnaire (**Annexe 11**), focused critically on targeted and specific aspects of EU law training, including content, training methods, evaluation techniques and the overall adequacy of provision.
- Assimilating the analysis of the second and third Questionnaires into a set of Recommendations for the conduct of future court staff training in EU law (**Annexe 12**).

7.2. Critical Role of NCOs

A team of 35 National Coordinators (NCOs) covering all 27 EU Member States was appointed to the Project in the autumn of 2019 by national training providers.⁵⁸ Critical to the success of our chosen methodology was the role of this team of NCOs, as the team was responsible for the accuracy of the Project's data collection. The data was then exhaustively scrutinised by the Project's experts, in dialogue with the NCOs. Selected at the outset for their pivotal positions in the management or administration of court staff and their internal networking contacts in their country, the NCOs were thus embedded into the Project from the outset through a series of briefings, starting with a one-day kick-off Conference in Brussels on 21 January 2020 to launch the Project, followed by several online briefings and Q and A sessions with the Project experts over the course of 2020–21.⁵⁹ Their role was to use their knowledge, expertise and networking contacts to provide the data concerning their country as requested in each of the three Questionnaires, and to vouchsafe for its accuracy following internal scrutiny by the experts.

Recommendation

Member States should consider formalising the role of NCOs (either the incumbent NCO or their successor) as a permanent position within their national court staff training structure, in order to make the best use of the overarching knowledge and experience the NCOs have acquired in the course of this Project.

⁵⁸ In countries where training for court staff and prosecution service staff was carried out by different bodies, 2 different NCOs were appointed (Estonia, Denmark, Hungary, Latvia and Lithuania).

⁵⁹ Supra at paragraph 3.3.

7.3. Explanation of Types and Functions

The Tender Specifications for this Study observed that ‘there has not been any assessment to date of the percentage of court staff who actually need EU law training’.⁶⁰ In analysing the quantity and levels of EU law training available to EU court staff, the authors of the 2014 study appeared to have made no clear distinction between individuals who might need such training and those who do not. Our Study has taken a different approach. From the early stages of the Project, we sought to identify as our target interest group only those court staff who need (**Type 1**), or who *might* need (**Type 2**) training in EU law, in order to carry out the **Tasks** associated with the **Functions** of their jobs. It seemed to us to be of little value to ascertain whether training in EU law was or was not available to individuals whose jobs did not require it! This does not imply, however, that staff who were neither **Type 1** or **Type 2** staff have been ignored in this Project. Far from it. As stated above, task 1 of the Study required us ‘to map in detail all the different court staff professions in the EU Member States and to define all their tasks in such a way that allows comparisons across Member States’. Thus although court staff who are neither **Type 1** or **Type 2** were excluded from the substantive aspects of the Study regarding training provision (**Questionnaires Two and Three**), the basic information about these court staff is fully summarised in **Annexes 6 and 7**. The detailed raw data collected by the Project, setting out the range of backgrounds and **Tasks** of these court staff is stored with the Commission and can be accessed on request.

In addition to identifying court staff **Tasks**, we added a further layer of analysis in the form of court staff **Functions**. **Tasks** refer to the activities carried out by a court staff member (running courts, collating information, supervising data protection enforcement, interfacing with the public, handling finances, etc.). **Functions (F)** group together the activities of a court staff member under one or more generic themes. We identified four such generic **Functions** as **F1** (administrative); **F2** (assisting the judiciary in the preparation and conduct of a case); **F3** (having direct, formally delegated responsibility for discrete aspects of the determination of a case); and **F4** (having responsibility for procedural functions of a cross-border nature). In many (probably the majority) of cases, **Type 1** and **Type 2** court staff carry out **Functions** in more than one category [see paragraph 4.5.].

Recommendation

Court staff managers should be encouraged to adopt the Type, Task and Function Template Classification developed for this Study as a standard Template that is regularly updated, enabling them to identify with greater accuracy staff with priority needs for training in EU law and what the precise nature of that training might be.

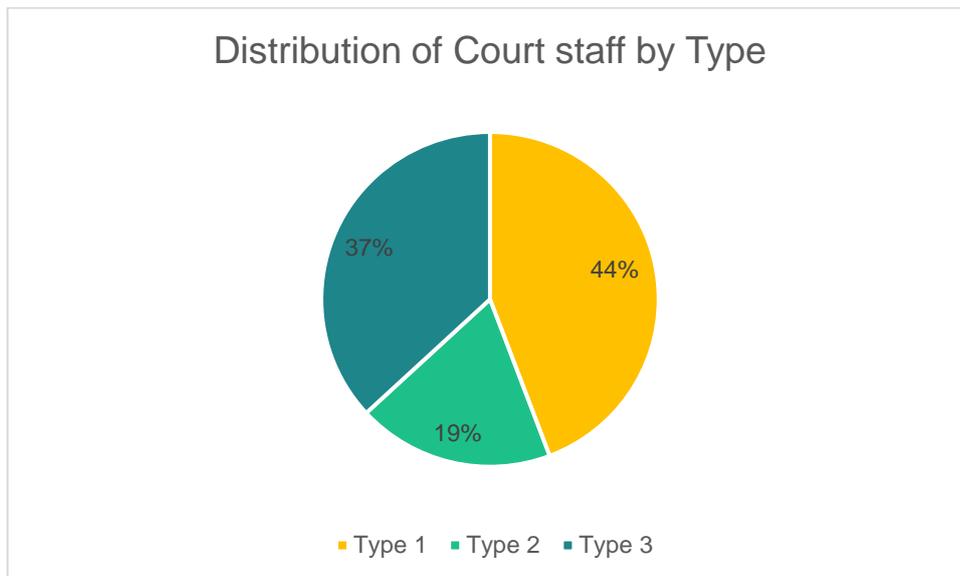
⁶⁰ Tender Specifications, paragraph 2.2., Supra at footnote 2.

7.4. Summary numbers of Court Staff and those who may require training in EU law⁶¹

According to the figures provided, the total number of court staff currently employed across the EU Member States is 289,813.

On the same basis, the total number of court staff categorised as Type 1/Type 2 across the EU Member States is 182,922.

Table 17: Distribution of Court staff by Numbers



⁶¹ The summary numbers are based on the information available and provided by the National Coordinators. For some categories the approximate numbers were not available.

In addition, while the numbers received for some countries were very precise, only approximate numbers could be provided for other countries. This is why the total numbers in the global statistics remain approximate.

For Denmark (Prosecution Service), the approximate number of court staff combined Type 2 and Type 3; this is why this number is not included in this overview.

7.5. Summary of ERA/EJTN Project (s)

At the time of writing, the ERA/EJTN Court Staff Training Project referred to earlier in this Report is still ongoing.⁶² The Project's preliminary conclusions, however, are clear.

Recommendation

We recommend they should be adopted in full as providing a tried and tested methodology for the effective delivery of cross-border and transnational court staff training in areas of EU law in which there is a common interest.

The preliminary conclusions of the first project, which concerns 'Better applying European cross-border procedures: legal and language training for court staff in Europe', are as follows:⁶³

The training Project is achieving its expected results and is very popular among the participating trainers/experts and court staff. Despite the wide variety of court staff in the different EU Member States, the Project managed to select and address legal instruments in EU civil law that are relevant to their work and where further training is needed. The practical approach and methodology chosen – with the development of tailor-made, standardised training materials and the provision of practical training with various workshops – is very effective and enables participants to deepen their knowledge of the relevant instruments. Court staff appreciate the fact that there is training offered at EU-level exclusively targeted at their profession, and very much enjoy the opportunity to meet with colleagues from other Member States [...]. The combination of legal and language training and the incorporation of various interactive training elements (exercises, case studies, workshops) is highly suitable, and is a training format that appeals to the target group.

The preliminary conclusions of the second Project, which concerns 'the Better application of European criminal law', using the same format as the first Project, are equally positive and encouraging.

Interim feedback indicates that the Project is fulfilling expectations so far. Despite the differences in the judicial systems of the Member States, the training this Project offers is in high demand among EU court staff and meets their most urgent training needs. The materials provided, which have a practical approach, help the court staff to ease their workload and become more efficient, while also enabling them to improve their legal English and familiarity with common legal instruments. Exchange of experiences and knowledge among court staff in each Member State will remain a top priority in the future and help to maintain cross-border communication. This combination of legal and language training will continue to be in demand for the foreseeable future.⁶⁴

This recommendation is based on conclusions that can be drawn from the ERA/EJTN project results as well as in the converging practices for training court staff adopted as part of the EU co-funded "European Judicial Training Project[s] for Court Staff and Bailiffs" [see paragraph 1.2.]. The projects aimed at supporting cross-border cooperation, by organising training sessions which made use of blended learning technologies and familiarised participants with e-justice tools, including those provided by the European Union's e-Justice

⁶² Supra at 5.8.

⁶³ ERA Interim Statement, Trier 1 March 2021.

⁶⁴ Ibid.

Portal. The projects were led by consortia of partner organisations and training institutes which included the French Justice Coopération Internationale and National School of Clerks; the Belgian Judicial Training Institute (Institut de Formation Judiciaire, IGO-IFJ); the Portuguese Directorate-General for the Administration of Justice; the Romanian National School of Clerks; the Spanish Centro de Estudios Juridicos; the European Centre for Judges and Lawyers of EIPA; the European Chamber of Judicial Officers.

7.6. Who provides Training?

A variety of institutions provide training; there is no overall consistent model. Training is provided in-house within court systems by national judicial training institutes, national schools of public administration and sometimes by private companies. There are also several publicly funded transnational training providers operating across the EU.

The professionals delivering the training activities come from a wide range of backgrounds. They include judges, lawyers, public prosecutors, state attorneys, magistrates, court officers and clerks, among whom judges, prosecutors and academic are the dominant providers of training. Training is also delivered in some Member States by non-specific experts, such as practitioners and academics who contribute specialist training, together with non-legal experts, including law enforcement agents, forensic experts, public administration managers, public procurement specialists, communication bureau staff, psychologists and actors.

Recommendation

Incorporating trainers from a wide range of professional backgrounds represents a very positive approach by training providers, since it reflects the diversity of Tasks and Functions for which staff as a whole are responsible, and this should be further encouraged.

7.7. Training of Trainers

According to the findings of our survey, **Train the Trainers** programmes are available for trainers to attend in 14 Member States, though in several states trainer attendance on such courses is optional. The Member States that currently offer **Train the Trainers** programmes are the following: Belgium, Bulgaria, Cyprus, Czechia, Estonia, Finland, France (but not for EU law courses), Greece, Latvia, Netherlands, Romania, Slovenia, Spain and Sweden. These courses vary widely in length and format.

Every Member State currently providing **Train the Trainers** programmes indicated that more such courses would be welcomed by the current trainers, and the response was equally positive among countries that currently do not provide formal training to their trainers. When asked which training methodology would be the most popular for **Train the Trainers** courses (face-to-face, online, blended), there was a wide divergence of views.

Recommendations

- **Serious consideration should be given by training managers to introducing compulsory Train the Trainers courses for all their trainers.**

- **In addition, as the skills required of a competent trainer are both generic and universal, transnational Train the Trainers courses could be developed under the umbrella of an existing training network such as EJTN (see also Recommendation 7.13 below). Training in new areas of substantive EU law should where appropriate, be incorporated in these sessions.**
- **Train the Trainers course providers in countries where such programmes are well developed (see above at para. 5.6 and 5.6) could set up bilateral Train the Trainers programmes under some sort of buddy arrangement.**

7.8. Methodologies

Our survey of Member States reveals the following regarding the three styles of training adopted in Member States. By ‘styles’, we refer to face-to-face training, training via e-Learning, and Blended Learning. In six Member States, Face-to-Face is the only training style currently used in EU law training programmes⁶⁵: Belgium, France, Germany, Greece, Portugal, Slovakia. In eleven Member States, face-to-face training in EU law is supplemented by a limited amount of e-Learning, though this is not described as fully Blended Learning: Austria, Bulgaria, Croatia, Cyprus, Estonia, Finland, Luxembourg, Poland, Slovenia, Spain, Sweden. In eight Member States, some aspects of training in EU law are formally identified as ‘Blended Learning’: Czechia, Ireland, Italy, Latvia, Lithuania, Netherlands, Romania, and Spain.

The information provided to the Project Team from NCOs concerning the range (lectures, cases studies, small group discussions, PowerPoint, webinars etc.) of a large number of training methodologies currently in use, reveals a rich tapestry of approaches. There is clearly considerable awareness in many Member States’ training communities of the wide range of training methodologies that are now available to trainers and that can be crafted according to the needs of their court staff.⁶⁶ In several Member States, the methodology selected seems to have been carefully honed to those needs. What emerges clearly from our Study is that the ERA/EJTN Project findings as to the best and most popular methodology for court staff training⁶⁷ resonates strongly with the most popular and successful training programmes in individual Member States, as evidenced in post-course evaluations by participants. To this end, ERA/EJTN concluded that ‘training based on solving coherent practical case studies, requiring the active involvement of participants and thus steering a continuous exchange of knowledge, was the preferred EU law training methodology for most court staff’.

Recommendations

- **While there is much imaginative and creative use of new methodologies across the EU Member States’ training communities, there are still a number of Member States in which the use of more innovative and productive training methodologies needs to be explored and encouraged. In deciding upon the most appropriate methodology for the delivery of a particular training programme, course planners should draw, in particular, upon the findings of the ERA/EJTN Project in this regard (see 7.5) and also**

⁶⁵ Online training has, however, been introduced as a temporary necessity in these countries during the Covid-19 pandemic.

⁶⁶ Judicial College Table on Methodologies (above at 5.7.).

⁶⁷ Supra at 5.8

ensure that they pay close attention to the views of trainees as expressed in post-course evaluations.

- **In designing training programmes, providers should take note of the following list of comments uncovered by our survey, which represent a clear consensus across the EU court staff community:**
 - **There is a strong preference for training based on case studies that are practical and relevant.**
 - **More time should be allowed for interactive discussion, whether face-to-face or online.**
 - **The use of a wide range of teaching tools should be encouraged.**
 - **The skills of the trainer are a critical factor (knowledge of the subject, good interpersonal skills, etc.)**
 - **A highly theoretical and academic approach to training topics should be discouraged.**
 - **The provision of course materials in advance of, and following the course, should be encouraged.**
 - **Training events should be longer and/or the number of such events increased.**
- **Training managers should ensure that where court staff are required to take part in online training, it must be possible for them to participate in the training from their workplaces (see 5.9.1).**

7.9. Evaluation of Training Provided

The great majority of Member States' court staff training bodies use post-course evaluation sheets to assess the impact, quality, etc. of the course in question. Feedback forms ask participants to comment on different aspects of the training activities. Relevance, quality and effectiveness are the most used criteria against which training activities are evaluated. The full list of criteria for training evaluation used across Member States includes:

- The quality of training materials
- Relevance and usefulness of training
- Impact of training
- Effectiveness/Efficiency of training
- The quality of speakers/trainers
- The quality of the course administration
- The length of the training event
- Fulfilment of expectations

Careful analysis of the detailed responses from NCOs to our questions about course evaluation led us to the conclusion that the current evaluation methodology appears to be more or less the same across the great majority of Member States. This method is, however, intrinsically limited and essentially quite conservative in nature, based largely upon a fairly

rapid and at times possibly superficial process of seeking immediate feedback on participant 'satisfaction' at the end of each course. In some countries, eliciting feedback electronically at a slightly later stage does at least allow a little more time for participant reflection. It is reassuring that trainees' post-course comments are used fairly systematically in the planning of future courses.

It appears that a deeper level analysis of the impact of a particular course upon participants' wider professional development, following, for example, the Kirkpatrick Model, is less common. While almost all Member States incorporate post-course evaluation into their overall training programmes, and many make positive use of critical comments (both good and bad) in planning future courses, only nine Member States currently make use of the Kirkpatrick Model (Levels 1-4), which is universally acknowledged as the gold standard for the evaluation of training for professionals. Even those countries actively using the Model rarely go beyond Level 2.

Recommendation

Training providers are encouraged to further explore active engagement with the Kirkpatrick Model in their future evaluation schemes, to include an assessment at all four Levels.

7.10. Amount of training in EU law received by Court Staff (Type 1 and Type 2) and reasons why in most cases this is considered insufficient

In December 2020, the European Commission stated the following:⁶⁸

Court and prosecution office staff are essential to the smooth functioning of justice systems. Some are involved in drafting and enforcing court decisions, the cross-border service of documents, European payment orders, European arrest warrants and other cross-border procedures. This requires a wide range of training on EU law, which should be precisely tailored to identified needs.

The Commission further recommended that EJTN continues to:⁶⁹

Deliver quality training, including e-Learning, ... (to) cater for the needs of court staff and increase the multiplier effect of EU level deliverables by boosting its members' training provision on EU law.

The role of EJTN is further considered below at 7.13.

Our findings show that a lack of sufficient budget, time and relevant trainer expertise widely results in insufficient training in EU law being offered to **Type 1** and **Type 2** court staff. There is also a fourth factor, namely a lack of prioritisation. It is clear that in some Member States, court staff (**Type 1** and **Type 2**) do not receive sufficient training in EU law because of a lack of prioritisation of this topic in training activities. Lack of prioritisation⁷⁰ is due to several factors, including the assumption in some jurisdictions that court staff (**Type 1** and **Type 2**) do not need training in EU law. One of the respondents, for example, stated that since it is judges who ultimately make decisions related to cases, court staff do not require

⁶⁸ 'Ensuring Justice in the EU – a European Judicial Training Strategy for 2021-2024', Brussels, 2 December 2020 COM (2020) 713 final, at page 7.

⁶⁹ Ibid, at page 15.

⁷⁰ Lack of prioritisation, in turn, can result in the re-orientation of budgetary resources.

training in EU law, because they ‘simply assist judges’. Another respondent mentioned there is often a lack of knowledge or understanding of which areas of EU law are relevant to court staff in a given situation (**Type 1** and **Type 2**): ‘It is not always clear to staff when EU regulations should be applied. Sometimes they only cover very small areas, so that further training is not considered necessary’. A further complication arises in some jurisdictions where it is assumed that possessing a legal qualification automatically implies up-to-date knowledge of relevant EU law. The challenge for training managers, therefore, is to identify the specific areas and level of knowledge that need to be covered and to raise awareness on the specific training needs of court staff. The above responses suggest that further understanding needs to be developed among staff in managerial positions – including in training and development departments – on the needs of court staff (**Type 1** and **Type 2**), depending on their functions.

An overarching issue that affects all of the above is the difficulties many court staff and trainers experience in locating the latest legislation, regulations, directives, etc. that emanate at speed from the Commission, and on whose substance court staff and their trainers need to be rapidly appraised. There are some useful websites that can assist in the clarification process: https://europa.eu/european-union/documents-publications/language-and-terminology_en, and the Commission has its own dedicated database (EUR-Lex) where all current and new legislation is located.⁷¹

It would be helpful to all parties if the Commission, in collaboration with existing training networks, could help simplify the multiple routes currently available to access such information by whatever is the most appropriate method.

Recommendations

- **That court staff training managers audit their assumptions about the absence of any need for training on EU law for certain categories of Type 1 and Type 2 court staff, to satisfy themselves that these assumptions are correct and evidence-based.**
- **That the European Commission, working in tandem with existing training networks, investigates ways in which access to information regarding current and new EU legislation (including Regulations and Directives) relevant to court staff can be disseminated and channelled through a single central source (a clearing house) that is easily accessible to court staff, court staff trainers and their managers.**

7.11. Areas of EU law covered in Court Staff Training

A wide range of areas of EU law are currently covered in court staff (**Type 1** and **Type 2**) training. These include EU Directives and Regulations with a cross-border dimension (in civil, commercial, and criminal procedures) and cross-border procedures; EU law in civil and commercial matters, enforcement, the internal market, environmental law and agricultural law; and EU human rights law.⁷² In addition, linguistic skills are also covered. At

⁷¹ <https://eur-lex.europa.eu/homepage.html?locale=en>; <https://eur-lex.europa.eu/browse/summaries.html?locale=en>; <https://op.europa.eu/en/home>; https://e-justice.europa.eu/content_eu_law-3-en.do; https://europa.eu/european-union/law/find-legislation_en.

⁷² The full list includes cross-border civil procedures, cross-border commercial procedures, cross-border criminal procedures, international cooperation in civil matters, international cooperation in criminal matters, international cooperation in land and mortgage register matters, international cooperation in family matters, service of judicial and extra-judicial documents, procedural rights in criminal procedures (such as access to interpretation & translation, access to a lawyer, access to information, etc.), evidence in civil and commercial matters, the execution of letters rogatory; cross-border e-justice.

the same time, in all above areas, further training is needed in some Member States. This indicates that there are differences between court staff (**Type 1** and **Type 2**) with identical or similar **Tasks** or **Functions** within and across Member States concerning the required levels of knowledge and expertise in these areas. This is problematic for at least two reasons. First, it can hinder cross-border judicial cooperation. Second, it can cause discrepancies in the quality of the functioning of the justice system between Member States.

Recommendations

- **The European Commission, in consultation with relevant stakeholders, should develop a standard assessment framework to evaluate the level of theoretical and practical knowledge of key areas of EU law required of court staff (Type 1 and Type 2) in Member States.**
- **There are areas of EU law which existing training activities do not cover in some Member States.⁷³ Where such gaps exist (as identified in this Study), training managers in individual Member States should take steps to fill these training gaps in a timely fashion and as a matter of priority, by developing appropriate additional curricula.**
- **Initial training should cover both the basic and the latest developments, together with their practical application in different areas of EU law (see 5.3).**

7.12. Would a pan-European generic Introductory Course on either a) EU governance, or b) EU law, be welcomed by Court Staff?

Most of our respondents stated that court staff (**Type 1** and **Type 2**) would be interested in participating in training activities covering the fundamentals of EU governance and EU law. This response signals that these two areas might still be critical knowledge gaps in Member States.

Recommendations

- **The European Commission should promote the development, within existing networks, of EU-wide introductory generic training courses on EU law and EU governance.**
- **The training must be accessible, in terms of the mode in which it is delivered, as well as in terms of the language used.**
- **The course could be offered using online, asynchronous modes of delivery and with subtitles available in different EU languages, where needed.**

⁷³ These areas are: international cyber criminality; conduct and conclusion of the procedure in other countries; protection orders; data protection in the EU (GDPR); public procurement procedures and practices in the EU; administrative judicial process (administrative law and procedure); inheritance cases regulation; inheritance law; preliminary ruling; family law; matrimonial property regimes and the law of registered partnerships in Europe; protection against violence; guardianship law; European account attachment order regulation; legal aid directive; European enforcement order; European Payment Order; notary and public deeds; international documents, legalisation and apostille (e.g., the Hague Convention); requests for service and mutual legal assistance.

- In order to partly overcome the issue highlighted above in 7.11., extra online materials could be included in the virtual learning environment to provide reference to relevant pieces of EU legislation. In order to further assess participants' training needs in these areas, the online learning environment could include software apps adding surveys and other useful generic data. In addition, forum boards can help court staff to network online and exchange relevant information.

7.13. Value of Transnational Training and Networking

In its 2021–2024 Judicial Training Strategy, adopted in December 2020, the European Commission expresses strong support for court staff networking with the EU, which it describes as a 'tailored objective':⁷⁴

The Commission encourages the networking of all national and EU-level court staff training providers to share best practices and strengthen national training offers.

In a parallel commentary, the Council of the European Union encouraged 'all justice professionals to take up training opportunities including opportunities abroad'.⁷⁵

Court staff **Types 1** and **2** across the EU demonstrated, through their responses, considerable enthusiasm for participating in court staff exchanges as a way of increasing their knowledge and understanding of the application of EU law in their day-to-day work. In addition, respondents showed general enthusiasm for attending transnational training events, both court staff and trainers, the latter also valuing the opportunity to network with trainers from other Member States. Several NCOs indicated that the value of attending transnational training events went beyond the acquisition of practical knowledge on laws and procedures. Participation facilitated communication, helped the exchange of good practices and ultimately increased mutual trust. The areas of EU law and procedure where transnational training had proved particularly useful were identified as European cross-border cooperation, judicial cooperation in civil and commercial matters, judicial cooperation between EU Member States in family matters, international judicial cooperation in criminal matters, ECtHR case-law, EU waste legislation and the protection of the environment through criminal law, the service of documents and taking of evidence abroad, cybercrime, E-justice, commercial law, hate crime, freedom of expression, economic crimes, asset recovery and confiscation, the gathering and admissibility of evidence in counter-terrorism.

Transnational training programmes involving Member State court staff **Types 1** and **2** clearly offer a proven and quintessential example of the value of pan-European networking. Not only are many of the identified court staff **Tasks** precisely mirrored in other Member States, but also by their very nature the quality of their execution will inevitably benefit from transnational dialogue and the sharing of experiences. It therefore came as no surprise that, when asked about their interest in networking at EU level, training providers among Member States were overwhelmingly positive in their responses. An important new dimension in EJTN's future endeavours, contained in its 2021–2027 Strategic Plan adopted in 2019, will be the expansion of EJTN to include court staff training and welcoming court staff training institutions into the EJTN fold. Changes to EJTN's Articles of Association to accommodate this development have now been approved at the EJTN General Assembly. This aligns closely with the fifth objective of our Study, namely 'to make recommendations to enable the EU-level networking of all court staff training providers'.⁷⁶

⁷⁴ Supra at footnote 68, page 7.

⁷⁵ Supra at footnote 1, paragraph 13.

⁷⁶ Tender Specifications, paragraph 2.3., supra at footnote 2.

According to respondents, EU-level networking activities for training providers offer the following beneficial aspects:

- Providing a platform for the exchange of good practices.
- Supporting the dissemination of information.
- Facilitating exchanges with experienced colleagues.
- Improving the processing of EU files by the category of staff working constantly side-by-side with magistrates on the front line.
- Ensuring EU law is interpreted in similar ways across national borders.

There was also a view held by some respondents that a trainer networking platform would help to improve the general quality of the training delivered to national court staff, by helping to share good practices and resolve technical misunderstandings. Accordingly, an EU-level networking scheme for trainers would help to create consistency between training activities delivered in the different countries. There was support for the development of a pan-European training programme based within (and probably led by) EJTN, which has considerable experience of running such programmes for the judiciary and prosecutor services.⁷⁷ This view is mirrored in the recently adopted 2021–2024 Judicial Training Strategy, which states as an ‘action for networks, EJTN to establish a network of all court staff training providers to exchange expertise and best practice, at the same time’, welcoming ‘EJTN’s decision to extend its target audience to court and prosecution office staff’.⁷⁸

Recommendations

- **The European Commission should encourage further exchanges of court staff across the European Union within the current exchange programme managed by EJTN.**
- **The European Commission should explore mechanisms for establishing pan-European training programmes, or small bespoke bilateral programmes, to support the training of Member State court staff Types 1 and 2, and thereby facilitate further networking opportunities. This could be by triggering existing networks to develop such programmes, or trainer exchanges.**
- **The established networks should research the logistics for a) the creation of transnational mentorship schemes, which could support the further development of court staff trainers; b) the introduction of a programme of cross-border apprenticeship schemes, which would provide work-based training for trainers that transcend national borders.**

⁷⁷ We should stress that the suggestion that EJTN would be the ideal organisation to promote and to develop such programmes emanated from individual Member States, not from the Project Team.

⁷⁸ Supra at footnote 68, pages 8 and 9.

7.14. Commissioning a Best Practice Study on EU law Training for Court Staff in Member States

In 2012, the Commission launched an invitation to tender for a project designed to investigate best practices in the training of judges and prosecutors across the European Union. Following a competitive tendering process, EJTN was awarded the contract for this work in January 2013. The principal aim of the project was to identify, by means of an empirical process, examples of Best, Good and Promising practices in the training of judges and prosecutors across the European Union, thereby promoting dialogue and further cooperation between judges and prosecutors on issues arising from the project. The Project Report was published by the Commission in 2015.⁷⁹ It had a significant influence on the subsequent design of training programmes for judges and prosecutors across the European Union.

The best, good and promising practices identified for further dissemination fell into one of six categories:

1. Training needs assessment
2. Innovative training methodology
3. Innovative curricula or training plan in any given particular area
4. Implementation of training tools to favour the correct application of EU law
5. Implementation of training tools to favour international judicial cooperation
6. Assessment of participants' performance in training/effect of the training activities.

Recommendation

It is clear that a considerable amount of data has been uncovered in the course of our Study relating to the training of court staff, and that this directly addresses all of the above training categories in this different context. Given the undoubted benefits that can be brought to the overall quality of judicial training in the EU as a result of the Best Practices Study, we invite the European Commission to commission a similar Best Practices Study into court staff training in EU law, building on the evidence accumulated in this Report.

⁷⁹ <https://www.ejtn.eu/Resources/Good-judicial-training-practices/>.

8. Annexes⁸⁰

- Annexe 1: Simplified Calendar of implementation
- Annexe 2: Questionnaire 1, Part A
- Annexe 3: Questionnaire 1, Part B
- Annexe 4: Questionnaire 1, Model Factsheet
- Annexe 5: Questionnaire 1, Guidelines
- Annexe 6: Questionnaire 1, Factsheet Summary
- Annexe 7: Questionnaire 1, Country Packages
- Annexe 8: Questionnaire 2
- Annexe 9: Questionnaire 2, Model Factsheets
- Annexe 10: Questionnaire 2, Factsheet Summaries
- Annexe 11: Questionnaire 3
- Annexe 12: Table of the Study's Recommendations

⁸⁰ Published in a separate document: "Study on the Training Needs of Court Staff on EU Law in the EU - Annexes", ISBN 978-92-76-38744-2.

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