

ROADMAP	
TITLE OF THE INITIATIVE	European Judicial Training Strategy 2019-2025
LEAD DG – RESPONSIBLE UNIT – AP NUMBER	JUST.B1 PLAN/2017/1303
LIKELY TYPE OF INITIATIVE	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions
INDICATIVE PLANNING	September 2018
ADDITIONAL INFORMATION	
<p style="color: red;">This Roadmap aims to inform stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have. The Roadmap is provided for information purposes only and its content may change. This Roadmap does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content.</p>	

A. Context, Problem definition and Subsidiarity Check
Context
<p>For EU legislation to produce the intended impact, it needs to be applied correctly. This is the objective of the 10th priority of the Commission's 2017 Work programme: "A Union of democratic change". The judiciary plays a special role in this as guarantor that the laws are applied correctly. In that context, training of justice professionals (judges, prosecutors, court staff, bailiffs, lawyers, notaries, prison staff, probation officers, mediators, legal interpreters, and their trainers) on EU law is essential to ensure that EU legislation is correctly understood and applied throughout the EU. Moreover, in view of the challenges to the rule of law¹ in some Member States and in candidate and neighbourhood countries, European judicial training should also promote the rule of law and the independence of the judiciary, to better ensure the respect of the basic principles on which the EU is founded. European judicial training in the Union is currently implemented by national and Union level actors according to a long-term strategy adopted by the Commission in 2011, which set specific objectives for the training of justice professionals to be reached by 2020. The current European judicial training strategy focusses very much on training on the "acquis" – the EU legislation. A number of lessons learnt since 2011 and new developments, presented hereafter, require evaluating and updating this strategy. The evaluation of the current Strategy and the preparation of the new one will be conducted in parallel.</p>
Problem the initiative aims to tackle
<p>The evaluation of the 2011 Strategy and devising an updated Strategy for 2019-2025 should help justice professionals to ensure the correct application of EU law and assess the lessons learnt since 2011 taking into account evidence gathered on the issues mentioned below, notably:</p> <ul style="list-style-type: none"> • Feedback received from justice professionals so far shows that there is still a lack of knowledge of EU law and of EU judicial cooperation instruments (such as the European Arrest Warrant). Mutual trust in cross-border proceedings could also be improved. As judicial training is a shared competence, all stakeholders (ministries of justice, judicial training providers, the legal professions, EU-level judicial networks) need to strengthen their commitment; for ex.: allocation of sufficient time and resources to judicial training bodies, courts and prosecution offices, for justice professionals to be able to attend training; • The annual report on European judicial training indicates the number of legal practitioners trained on EU law every year per legal profession and per Member State and demonstrates that since 2011 the situation varies between professions and Member States: training on EU Law is lagging behind for lawyers, court staff and bailiffs; • Also prison and probation staff plays an increasingly important role in Europe's fight against radicalisation of prisoners and people under probation to violent extremism. They should therefore be a focus of the new strategy; • The training activities organised in 2015 and 2016 by the European Judicial Training Network (EJTN) on counter-terrorism, also illustrated that not all Member States have the same needs and may require a

¹ The principle of the rule of law "makes sure that all public powers act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts". Source: 2014 Commission Communication "[A new EU Framework to strengthen the Rule of Law](#)" (COM(2014) 158 final/2) and its Annex I "[The Rule of law as a foundational principle of the Union](#)".

flexible and targeted approach;

- EU-level cooperation of training providers for professions other than judges and prosecutors does not exist;
- The [annual report on European judicial training](#) also revealed that the duration of initial training on EU law is extremely short on average for the justice professionals;
- Knowledge of foreign legal language is key to participation in cross-border activities and to smooth cross-border judicial proceedings and cooperation;
- Legal practitioners may lack information about existing training activities taking place abroad and open to their participation; some legal practitioners may be prevented from attending training abroad for lack of recognition needed for fulfilling national training obligations;
- Activity reports of EU-level training providers, including of the EJTN, confirm that there is a direct link between the budget levels and the number of participants trained in cross-border activities;
- Options to monitor the quality and the impact of training should be envisaged as a guarantee for attracting participation and ensuring efficiency of the training;
- Regarding the objectives: new targets beyond 2020 should be set and tools should be planned to measure progress.

New developments include:

- The situation in some Member States, but also in candidate and neighbouring countries, shows that ethics, rule of law and independence of the judiciary are an issue to be addressed, wherever necessary, and that one important priority is to improve and support judicial cooperation in criminal matters, in particular related to counter-terrorism and fighting cybercrime;
- Also training on skills and non-legal topics should be considered both to improve the efficiency of justice and mutual trust among the justice professionals;
- The inclusion of candidate countries, potential candidate countries who all prepare for membership as well as neighbouring countries who wish to model their systems to that of the EU should be considered;
- A reflection should take place on how to complement training activities with access to up-to-date learning material and make the best use of e-justice.

Subsidiarity check

The main legal bases are Articles [81\(2\)\(h\)](#) and [82\(1\)\(c\)](#) of the Treaty on the Functioning of the EU, regarding the Union's support to training of the judiciary and of judicial staff in civil and criminal matters. In addition, [Article 17\(1\) of the Treaty on European Union entrusts](#) the Commission with a general responsibility to ensure the application of EU law. The European Union's judicial training policy seeks to supplement and not replace national judicial training policies.

Joint training activities of justice professionals from different Member States help build a common understanding of EU law and mutual trust, but they are not obligatory and require additional financial resources.

Member States have the primary responsibility for judicial training but they have also acknowledged the needs for action at EU level. EU action is justified to complement national actions and support EU-level coordination and organisation of cross-border training activities for all legal professions involved in the judicial system.

Supporting policy documents are notably: the [2011 Commission Communication on European judicial training](#); the [2012 European Parliament Resolution on judicial training](#); the [2014 Commission Communication on 'The EU Justice Agenda for 2020'](#); the [2014 Council Conclusions on 'Training of legal practitioners'](#) and the [2016 Commission Communication on 'EU Law: Better Results through Better Application'](#).

B. What does the initiative aim to achieve and how

Good application of EU law and smooth cross-border judicial proceedings are required by articles [17\(1\) of the Treaty on European Union](#), and [81\(2\)\(h\)](#) and [82\(1\)\(c\)](#) of the Treaty on the Functioning of the EU.

To this end, the development of the 2019-2025 Strategy will aim at engaging all stakeholders in charge of training justice professionals: ministries of justices, councils for the judiciary, legal professions, training providers and justice professionals themselves.

The evaluation of the 2011 strategy and the new 2019-2025 Strategy will identify the challenges to be addressed and make suggestions of actions at different levels, be it local, national or European to improve European judicial training. The Strategy will reflect the results of the evaluation and of a wide public consultation and put forward avenues for improving the training of justice professionals on EU law. It will also set the goals, notably in terms of targets, that the Commission will have discussed with the stakeholders during the evaluation, consultation and preparation process. A monitoring mechanism may be suggested.

The Commission will propose the Judicial Training Strategy 2019-2025 in a Communication, based on and accompanied by an evaluation report on the 2011 Judicial Training Strategy.

C. Better regulation

Consultation strategy

Since European judicial training is a shared competence between the justice professions, the Member States

and the European Union, a wide consultation will be organised to gather stakeholders' views and analysis and reflect all positions. It will be a combined consultation, both to feed in the evaluation of the 2011 European judicial training strategy and to help preparing the next strategy.

The consultation will aim at obtaining input from all possibly interested parties and will contribute to the identification of lessons learnt since 2011, new issues at stake and possible improvements of training of justice professionals on EU law, as mentioned above. It will take place from autumn 2017 until beginning of 2018 in order to ensure a broad consultation of stakeholders and take into account their input

The identified stakeholders include:

- The justice professionals;
- The training providers for justice professionals, at EU and at national level;
- The organisations or associations representing justice professions, at EU and at national level;
- The EU institutions;
- The national judicial authorities;
- The national public authorities;
- International or inter-governmental organisations;
- EU platforms, networks or associations of justice professionals;
- Universities, law faculties, research institutes, publishing companies.

The consultation activities will include:

- An open public consultation, based on an online questionnaire in all EU official languages to obtain input from all possibly interested parties, which will contribute in writing on lessons learnt, issues at stake and possible improvements, from autumn 2017 until early 2018; contributions can be made in any of the 24 official EU languages;
- Three meetings of the expert group on European judicial training: during the open public consultation, after the open public consultation and before drafting the evaluation report;
- Interviews of the main stakeholders (training providers for justice professionals and EU-level representatives of the justice professions);
- A conference of the main stakeholders, which will wrap up the consultation. It will enable direct discussions on the results of the written public consultation, on the evaluation of the 2011 strategy and on possible solutions for a future strategy.

The consultation will be published on the [consultation website of Europa](#). It will be announced by press release, on the [European e-Justice Portal](#) and by email sent to the main stakeholders (the training providers for justice professionals, the organisations or associations representing justice professions, the Member States, the EU institutions) and to any interested party by request sent to just-judicial-training@ec.europa.eu. The contributions to the open public consultation will be published on the consultation webpage. The synopsis report, summarising the consultation, will also be published on the consultation webpage, once all consultation activities are closed.

Impact assessment

A Commission evaluation will provide evidence on the effectiveness, efficiency, coherence, relevance and EU added value of the 2011 Strategy and input for the development of the 2019-2025 Strategy. It will also look at the budget spent on the 2011 Strategy, and whether value for money was delivered.

The 2011 Strategy was funded from the Justice Programme and the on-going interim evaluation of the Justice Programme will also feed into this evaluation, considering that 35% of the Justice Programme is dedicated to promoting judicial training. Funds for the future Strategy will continue to come from the Justice Programme until 2020. The financial needs beyond 2020 will be assessed in view of the preparations of the new Multi-Annual Financial Framework.

Evaluations and fitness checks

The evaluation of the 2011 Strategy will be based, inter alia, on the following sources:

- 2018 Interim evaluation of the Justice Programme;
- 2017 Study on the extent to which and how Member States used the ESF and the ERDF in the programming periods 2007-2013 and 2014-2020 to support their justice system;
- [2017 Ex post evaluation report on the Civil Justice Programme \(2007-2013\)](#) and related [study](#) and [annex](#)
- [2016 Ex post evaluation report on the Criminal Justice Programme \(2007-2013\)](#) and related [study](#) and [annex 1](#) and [annex 2](#)
- 2017 European Parliament workshop on "The Training of Judges and Legal Practitioners - Ensuring the Full Application of EU Law": [in-depth analysis](#);
- 2016 European Commission Conference on "[Counter-terrorism and de-radicalisation: How to answer training needs of justice practitioners](#)";
- [2016 Report on European judicial training](#);

- [2015 European Commission Conference on "European cooperation on judicial training for court staff and bailiffs"](#);
- [2015 Report on European judicial training](#);
- [2015 Advice for training providers – European judicial training](#);
- 2014 European Commission Workshop on "[Building upon good practices in European judicial training](#)";
- [2014 Report on European judicial training](#);
- 2014 European Parliament Workshop on "Upcoming issues of EU law": [in-depth analysis](#) and [annex](#);
- [2014 Study on best practices in training of judges and prosecutors](#). Summary in [English](#) and [French](#). The factsheets on good training practices are available in the "[good practices](#)" section of the European e-Justice Portal;
- [2014 Study on the state of play of lawyers' training in EU law](#). Study in an [interactive magazine](#). Summary in [English](#) and in [French](#);
- [2014 Study on the state of play of court staff training in EU law and promotion of cooperation between court staff training providers at EU level](#). Summary in [English](#) and [French](#). [Summary of EU court staff's main tasks and roles](#);
- [2014 Report on the project to promote the cooperation between judicial stakeholders concerned by European judicial training](#). Summary in [English](#) and [French](#);
- 2013 European Commission Conference on "[Stimulating European judicial training](#)";
- 2013 European Parliament Workshop on "The training of legal practitioners: teaching EU law and judgecraft: [Session I – Learning and Accessing EU Law: Some Best Practices](#) and [Session II – Improving Mutual Trust](#)
- [2012-13 Report on European judicial training](#);
- [2011 Report on European judicial training](#).