

CCBE Response to the public consultation on the training of justice professionals on EU law

24/04/2018

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers. The CCBE responds regularly on behalf of its members on policy issues which affect European lawyers and citizens.

The CCBE has a Training committee which considers and prepares policy recommendations in relation to the training of lawyers in Europe, both in the initial stages of their training and in the continuing stages but it does not deliver training itself. The Training committee has 38 members (lawyers and Bar/Law Society representatives) from different countries.

In this paper the CCBE is responding to the public consultation (general and targeted questionnaire) launched on 1 February 2018 by the European Commission on the Training of justice professionals on EU law.

Since both questionnaires consist of different questions, the replies in this document (underlined and in bold) will be provided only to those questions which are considered to be relevant to the CCBE. The reply to other questions is "Not applicable". The CCBE would like to point out that since there is no clear definition of "training on the EU law" understanding between the delegations/Member States/Stakeholders might be different. In these answers, we refer to EU law considering it as the part that has not become part of the national legal system.

GENERAL COMMENTS

The CCBE fully agrees that the Training of justice professionals on EU law is essential to ensure the coherent application of EU law and smooth cross-border judicial proceedings.

The CCBE supports the efforts to strengthen the European judicial culture and an area of shared values and fundamental rights and principles. Lawyers play an essential role in this context defending citizens and ensuring the rule of law and the confidence in the European judicial area. This requires the continuing development of lawyers' skills and knowledge, which the CCBE strongly supports.

The CCBE has always advocated for high-quality training of legal practitioners, as well as development of the mutual understanding of different legal systems in Europe. At the same time, the organisation of training must fully respect the independence of lawyers and the diverging systems of training under national law since continuous training is not mandatory in all Member States. In 2016, the CCBE updated its summary on national continuous training rules.

Mutual recognition of continuous legal education has been a key issue that the CCBE has been working on in the past years. In November 2013, the CCBE adopted a Resolution on continuous legal education. In February 2017, 40 Bars and Law Societies signed the CCBE Memorandum on Mutual Recognition of Lawyers' Cross Border Continuing Professional Development. The aim of the Memorandum is to

promote and facilitate the free movement of lawyers within the CCBE member countries where Continuing Professional Development (CPD) is mandatory or recommended.

The CCBE regularly organises training events. The latest CCBE Training conference took place in December 2017 in Brussels. The programme included panels on the transforming management of the law firm in the digital era, neuroscience and new discoveries on effective learning, innovative training tools such as MOOC, virtual reality, webinar, and finally guides to financing projects. It was a good opportunity for training providers and legal professionals to share best practices and innovative solutions for legal training.

Referring to the Communication on "Building trust in EU-wide justice, a new dimension to European judicial training" of the European Commission in 2011, the joint study of the CCBE and the EIPA on the state of play of lawyers' training on EU law in 2014 and the Action Plan adopted by the CCBE in 2015, the CCBE welcomes the efforts of the European Commission to further develop the strategy on judicial training for justice professionals, especially for lawyers. The CCBE is committed to provide its input in this regard.

General questionnaire

Training needs of justice professionals on EU law and EU legal instruments

1. Do you consider that your profession needs training on...

On a scale of 1 (not at all) to 5 (very much).

	1	2	3	4	5	I don't know
* EU law				X		
* EU judicial cooperation instruments				X		
* Law of other Member State			X			

2. Please explain why:

Continuous training opportunities are important for each lawyer to strengthen the quality of legal services provided and to advance the legal culture, thus promoting the rule of law in public interest and enabling citizens to exercise their rights. Lawyers need training on EU law and the EU judicial cooperation instruments and depending on the lawyers' specialisations some training on the law of other Member States as well.

Since many lawyers are sole practitioners and not members of big international law firms, law of another Member State is rarely used in practice. However, lawyers still need to improve their knowledge.

4. What are the reasons why there is still a lack of knowledge of EU law (if any)?

The most important reasons why there is still a lack of knowledge of EU law are:

- lack of time to attend training;
- justice professionals expect EU law to be integrated into national trainings;
- costs of the training courses.

8. Is there any topic missing from the training on EU law offered to your profession?

- Yes
- No
- I don't know

9. Please, list the topic(s):

Juvenile justice, practical training (for example, writing claims and representing clients before the European Court of Justice).

10. Should training for justice professionals at the EU-level be completed with training on judicial skills, judgcraft and non-legal topics?

- Yes
- No
- I don't know

11. Please explain:

Non-legal topics are a very important part of legal training nowadays. Besides legal knowledge, building a successful strategy of the case, being efficient in time by using available IT tools to obtain the required information, oral presentation skills and the ability to speak different languages can help to provide a good quality of legal services.

12. Do justice professionals involved in cross-border cases / judicial cooperation have specific training needs on EU law?

On a scale of 1 (not at all) to 5 (completely)

- 1
- 2
- 3
- **4**
- 5
- I don't know

13. Please explain:

To improve the legal knowledge of the applicable law of several Member States.

14. Is the lack of language skills a barrier when it comes to working with peers of another Member State?

On a scale of 1 (not a barrier) to 5 (very much a barrier)

- 1
- 2
- 3
- **4**
- 5
- I don't know

15. Any additional comment:

Language courses should be available as part of EU law training for a wide group of legal professionals in Member States. Communication without language barriers between lawyers is very important.

16. Are there problems stemming from differences in knowledge of EU law between justice professionals of your country and of other Member States?

- **Yes**
- No
- I don't know

17. Do you think that such differences in knowledge should be reduced?

- **Yes**
- No
- I don't know

18. How could these differences in knowledge level be reduced?

These differences in level of knowledge could mainly be reduced by:

- More training activities on EU law in the Member States;
- Cooperation between training providers;
- Common training curriculum on EU law for all EU justice professionals (per profession).

21. Should there be any prerequisite regarding knowledge of EU law at different times of the career of a justice professional?

- Yes
- **No**
- I don't know

23. Should there be any prerequisite for the appointment to some professions of justice regarding knowledge of a foreign language?

- Yes
- **No**
- I don't know

Training activities on EU law

7. What are the criteria you follow to decide whether and which training on EU law to attend?

(Several possible answers)

- **It is needed to perform my duties**
- It is compulsory
- **The topic of the training is a regular topic of my work**
- The topic of the training is a rare topic of my work
- Other

8. Please, specify:

Lawyers usually attend training when they find it useful for their regular or future work.

25. What are the obstacles to participation in cross-border training?

The main obstacles to participate in cross-border training are lack of time and an insufficient level of knowledge of another language.

26. Please, specify:

The costs of participation also could be an obstacle.

Scope of the European judicial training strategy

5. Respect of fundamental rights as enshrined in the Charter of Fundamental Rights of the EU and of the jurisprudence of the EU Court of Justice on the rule of law is essential. Do you see a need of training justice professionals on these topics?

- Yes
- No
- I don't know

6. Please specify why and on which topics:

Training is also needed on the jurisprudence of the European Court of Human Rights and the European Convention on Human Rights.

7. Please specify for which profession(s): All professions

Judge

Lawyer

Legal translator or interpreter

Other

Prosecutor

Notary

Court expert

Court staff

Mediator

Prison management and staff

Bailiff or enforcement officer

Insolvency practitioner

Probation officer

9. Please specify at which level these practitioners would need this type of training

- Local level
- National level
- EU-level /cross-border level
- I don't know

10. Please, specify why:

This type of training is needed on all levels, but mostly on a local and national level.

Targeted questionnaire

Training of justice professionals on EU law

About you

22. Has your organisation organised any activities, whether at local, regional, national or European level, in the past three years that could be considered as European judicial training activities?

Definition of "European judicial training": training of justice professionals on EU legislation and/or on EU case-law, EU judicial procedures and/or comparative law and knowledge of judicial systems, taking place during initial or continuous training periods. Justice professionals are: judges, prosecutors, lawyers, solicitors, notaries, bailiffs, court judicial staff, mediators, insolvency practitioners, prison management and staff and probation officers, etc. and their trainers.

- **Yes**
- No
- Not applicable

23. Please specify the target audience

(Several possible answers)

Judges	<u>Lawyers</u>	Legal interpreters or translators	Trainers
Prosecutors	Notaries	Court experts	Other
Court staff	Mediators	Prison management and staff	officers
Bailiffs or enforcement	Insolvency	Probation office	practitioners

24. Please specify the name of the profession(s) and if application of EU law or law of another Member State is concerned:

Lawyers.

Since many lawyers are sole practitioners and are not members of big international law firms, law of another Member State is not always used in practice. However, lawyers still need to improve their knowledge.

25. Please specify the volume of European judicial training activities for justice professionals you organise each year

One or several long-term programmes (more than 12 weeks)

At least ten separate training activities

Between five and ten training activities

Between one to five training activities

Occasional activities (for example organisation of one to three activities in the past three years)

26. Please indicate the type(s) of methodology used

(Several possible answers)

Class courses

Combination of face-to-face learning and e-learning (blended learning)

Conferences (for example a conference on a piece of EU legislation)

Massive Open Online Course (MOOC)

Round tables (for example a debate with several experts)

Serious games

Interactive workshops (for example a workshop on the proper implementation of a legislative instrument)

Linguistic training (legal terminology)

Mock court cases

Exchanges between practitioners

Combination of methodologies in the same training course (for example: conference, debate and workshops)

Other

E-learning

28. You are welcome to provide more details if relevant:

The Training conference of the CCBE, different seminars/conferences in third countries (associate and observer member states of the CCBE) and the EU countries.

For more information please follow this link: <http://www.ccbe.eu/actions/events/>

30. Please explain in which way you are or your organisation is involved in or impacted by training for justice professionals

(eg: set policy objectives, inform our members of existing training opportunities, etc.)

The CCBE has a Training committee which considers and prepares policy recommendations, guides and reports in relation to the training of lawyers in Europe, both in the initial stages of their training and in the continuing stages. The Training committee has 38 members (lawyers and Bar/Law Society representatives) from different countries.

Our members are informed and updated about the important issues within the training and education sector within the EU, especially judicial training, including through the CCBE Training blog (<http://training.ccbe.eu/>).

The CCBE organises/participates in events such as conferences, seminars and roundtables in the EU and in third countries (associate and observer member states of the CCBE), as well as EU funded projects on training issues.

Training activities on EU law

1. What are the types of training activities that are best suited for training on EU law?

Roundtables, conferences with debates, interactive workshops with case law, webinars and online courses.

2. Which criteria would you use to rank the good or poor quality of a training activity on EU law?

Duration

Size of group

Quality of speakers

Peers among the speakers

Interactivity with the speakers

Interactivity between the participants

Distributed material

Participation of peers as participants

Participation of peers from other Member States as participants

The language of delivery of the course

The quality of the interpretation

Other

4. Which factors would contribute to the increase in the participation of justice professionals in training activities on EU law?

Interesting topics with high impacts on everyday professional activities, free of charge/reasonable price of training, flexibility in time, duration of the training activity, high quality of speakers, training in the national language of the Member State/lawyer.

5. Which factors would contribute to the increase in the participation of justice professionals in training activities involving participants from several Member States (when relevant for them)?

Reasonable price of training, location, topics with high impacts on everyday professional activities.

6. Which factors would contribute to the increase in the participation of justice professionals in training activities taking place in another country (when relevant for them)?

Reasonable costs

7. Which factors would contribute to the increase in the training offer on EU law?

Interest of the participants

8. Which factors would contribute to the increase in the integration of EU law into trainings on national topics?

Interest of the participants.

Scope of the European judicial training strategy

1. Does the European judicial training strategy still address current training needs and problems of the justice professions?

- 1
- 2
- **3**
- 4
- 5
- I don't know

2. Please explain

Referring to the outcomes of European annual reports it seems that strategy addresses the current training needs of justice professions, but there is a room for improvement (please see answer 3; 4; 9).

3. Should the future European judicial training strategy set new objectives?

- **Yes**
- No
- I don't know

4. What type of new objectives?

- Quantitative
- Qualitative
- **Both**
- I don't know

6. Should objectives be differentiated per justice profession?

- **Yes**
- No
- I don't know

7. Please explain

Each legal profession has its own specific requirements which should be taken into consideration. The special attention in the new strategy should be devoted to trainings for lawyers.

9. Do you think that the European judicial training strategy should also focus beyond the European Union to other countries, namely to the [countries who wish to join the EU](#) and possibly [neighbourhood countries](#)?

- **Yes**
- No
- I don't know

10. Why? Please explain

To strengthen the rule of law, stability and democracy in the region.

Results of the European judicial training strategy

14. What factors have led to drawbacks in the implementation of the strategy?

(Several possible answers)

The justice professionals are not interested in training on EU law

The justice professionals did not have time to take part in training

The justice professionals did not get approval from their hierarchy to take part in training

The justice professionals were not replaced when they took part in training

Training did not count as working time

There was not enough budget to organise the needed training activities

There was not enough budget to cover the expenses of the justice professionals

EU law was not systematically included in national law training

There is a lack of qualified trainers

Other

I don't know

17. Are there areas where the strategy could be improved?

- **Yes**
- No
- I don't know

18. Please, explain

Equal attitude to all justice professionals, funding opportunities clearly identified to implement the actions included in the strategy, promoting (in EU projects) the development and distribution of widely usable training materials.

Means and actors of the European judicial training strategy

1. How do justice professionals fulfil their training needs on EU law?

(Several possible answers)

They don't

Face to face training

Online training

Internet research

Library

Colleagues

Other

4. How are they informed?

(Several possible answers)

Internet website or equivalent

Newsletter

EU law Court coordinator

Other

5. Please, specify:

<http://ccbe.eu/>

<http://training.ccbe.eu/>

10. How could the information be improved?

European Training platform could provide more information.

11. How could training on EU law for justice professionals be best promoted or advertised in the future?

In newsletters, professional magazines and websites of professional organisations.

12. How could justice professionals be best made aware of the importance of EU law for their daily work?

Practical workshops, articles in professional journals and websites of professional organisations.

22. Is cooperation at EU level between the training providers of a given justice profession important?

On a scale of 1 (not important) to 5 (extremely important)

- 1
- 2
- 3
- 4
- 5
- I don't know

23. Please explain

It is essential to improve methodologies, to exchange best practices and provide training of a better quality.

24. Are EU-level networks of training providers of a given justice profession useful?

On a scale of 1 (not useful) to 5 (extremely useful)

- 1
- 2
- 3
- 4
- 5
- I don't know

25. Please explain

As noted in the Training conference organized by the CCBE in 2017, the possibilities for training providers to meet and discuss important issues, as well as meetings between training providers and lawyers to better understand the needs of future clients, should be encouraged.

26. Are discussions between justice professionals of different Member States helpful to raise the awareness of the importance of EU law in the daily practice?

On a scale of 1 (not helpful) to 5 (extremely helpful)

- 1
- 2
- 3
- 4
- 5
- I don't know

28. Do national thematic networks of justice professionals help in raising the awareness of EU law among justice professionals?

On a scale of 1 (not helpful) to 5 (extremely helpful)

- 1
- 2
- 3
- 4
- 5
- I don't know

30. Should the EU support training of justice professionals on EU law?

- Yes
- No
- I don't know

31. How should the EU support European judicial training?

(Several possible answers)

- Through financial support
- By promoting training methodologies
- By providing guidelines or handbooks on specific topics of EU legislation
- By fostering cooperation among training providers at EU level
- Through political support
- By raising the awareness of the relevant stakeholders
- By improving the training section of the European e-Justice Portal
- Through yearly monitoring (soft incentive)
- Other

33. How should the EU promote the quality of EU (co)funded projects?

The European Commission could organise an expert group involving all professionals concerned to better assess the possibilities to promote the quality of the projects.

35. Has your organisation already taken part in applying for EU-(co)funded projects?

- Yes
- No
- Not applicable

36. Please indicate some projects your organisation took part in, in the past three years, and which Directorate-General of the European Commission (co)funded the project(s) (if any)?

The CCBE has participated in the following projects funded by DG Justice and Consumers:

- Find-A-Lawyer 3
- EAW-Rights
- Videoconferencing
- EU litigation for lawyers
- TRALIM
- TRAVAW

- E-CODEX
- TRAINAC
- Find-A-Lawyer 2
- European Training Platform

40. Are there elements of the EU financial support to European judicial training that could be simplified or otherwise improved?

- Yes
- No
- I don't know

42. Are the funds associated with the implementation of the European judicial training strategy sufficient for the current training needs on EU law of the justice professions?

- Yes
- No
- I don't know

43. Please explain

Please see answer 31.

46. Have public-private partnerships been useful for the implementation of the European judicial training strategy?

- 1
- 2
- 3
- 4
- 5
- I don't know

49. Has the European e-Justice Portal been useful in supporting the European judicial training strategy?

- 1
- 2
- 3
- 4
- 5
- I don't know

51. Should the training section of the European e-Justice Portal be further developed?

- Yes
- No
- I don't know

52. Please, specify

Include European Training platform.

53. Should the EU help to develop the technological support of European judicial training activities?

- Yes
- No
- I don't know

54. How could the EU help, beyond financial support to e-learning projects for example?

The training methodologies, modules and guides of specific issues could be developed.

Monitoring and any other feedback

Monitoring

1. How timely has the strategy's process for reporting and monitoring been?

On a scale of 1 (not timely) to 5 (extremely timely)

- 1
- 2
- 3
- 4
- 5
- I don't know

3. How efficient has the strategy's process for reporting and monitoring been?

On a scale of 1 (not efficient) to 5 (extremely efficient)

- 1
- 2
- 3
- 4
- 5
- I don't know

4. Please, explain

Number of trained lawyers in some countries do not correspond to reality since there is no unified system of the collection of statistics on this issue.

5. Should there be a yearly monitoring system to follow the implementation of the future European judicial training strategy?

- Yes
- No
- I don't know