31. Recalls the importance of close and constructive interinstitutional cooperation throughout the procedure and reaffirms its willingness to contribute fully to such cooperation in full accordance with the provisions of the TFEU; expects the present guidelines to be taken fully into account during the budgetary procedure and in the preparation of the draft budget;

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32. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.

Judicial training

P7_TA(2012)0079

European Parliament resolution of 14 March 2012 on judicial training (2012/2575(RSP))

(2013/C 251 E/07)

The European Parliament,

— having regard to Articles 81 and 82 of the Treaty on the Functioning of the European Union, which provide for the adoption under the ordinary legislative procedure of measures aimed at ensuring 'support for the training of the judiciary and judicial staff',

— having regard to its resolution of 10 September 1991 on the establishment of a European Law Academy ([1]), its position of 24 September 2002 on the adoption of a Council decision setting up a European judicial training network ([2]), its resolution of 9 July 2008 on the role of the national judge in the European judicial system ([3]), and its recommendation of 7 May 2009 to the Council on development of an EU criminal justice area ([4]),

— having regard to the Commission communication on an Action Plan Implementing the Stockholm Programme' (COM(2010)0171),

— having regard to its resolution of 25 November 2009 on the Stockholm Programme ([5]),

— having regard to its resolution of 17 June 2010 on judicial training ([6]),

— having regard to the Commission communication of 13 September 2011 entitled 'Building trust in EU-wide justice – a new dimension to European judicial training' (COM(2011)0551),

— having regard to the pilot project on judicial training proposed by Parliament in 2011,

([1]) OJ C 267, 14.10.1991, p. 33.
([2]) OJ C 273 E, 14.11.2003, p. 99.
([3]) OJ C 294 E, 3.12.2009, p. 27.
([4]) OJ C 212 E, 5.8.2010, p. 116.
([5]) OJ C 285 E, 21.10.2010, p. 12.
([6]) OJ C 236 E, 12.8.2011, p. 130.

— having regard to the comparative study on judicial training in the Member States commissioned by Parliament from ERA in collaboration with the EJTN ([1]),

— having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the above-mentioned study took stock of the activities carried out in this field by national schools for the judiciary, including the type of training offered, relevant conditions, and budgetary resources, with a view also to identifying needs and suggestions for improvement and best practices, and contains the results of an in-depth survey of over 6 000 judges and prosecutors in the Member States focusing on their experience of EU law training and their suggestions for improvement;

B. whereas judicial training should properly be called 'judicial studies' to reflect the special nature of the continuing intellectual development that members of the judiciary have to undergo and the fact that the best people to provide judicial studies are judges themselves;

C. whereas the supply of training is currently far from meeting the Commission's target, namely that it should be available to half of EU legal professionals;

D. whereas according to the study language barriers, a lack of (timely) information on existing programmes, the fact that programmes are not always adapted to judges' needs, together with judges' heavy workloads and the lack of relevant funding are among the reasons for the relatively low level of respondents receiving training in EU law (53 %, and only one third of them within the last 3 years);

E. whereas it is wise, including from the budgetary point of view in the present situation of financial stringency, to take advantage of existing institutions, particularly national judicial training schools, but also universities and professional bodies, as far as the 'national law' aspects of building a European judicial culture are concerned; whereas, by this means, best practices can be identified in the Member States and fostered and disseminated across the EU; whereas as far as training in EU law is concerned, the Academy of European Law (ERA) should continue to play its role;

F. whereas, as Parliament has already pointed out, the European judicial area must be built on a shared judicial culture among practitioners, the judiciary and prosecutors which is not only based on EU law but developed through mutual knowledge and understanding of the national judicial systems, a root-and-branch revamping of university curricula, exchanges, study visits and common training with the active support of the Academy of European Law, the European Judicial Training Network and the European Law Institute;

G. whereas judicial training should be linked to a debate on the traditional role of the judiciary and its modernisation, how to open it up and broaden its horizons; whereas this also entails language training and promoting the study of comparative law and international law;

H. whereas a common judicial culture also needs to be created among members of the judiciary using the Charter of Fundamental Rights, the work of the Council of Europe's Venice Commission and so on to promote the core values of the judicial profession by discussing and promulgating common professional ethics, the rule of law and the principles for the appointment and selection of judges, and to avoid the politicisation of the judiciary, thereby promoting the mutual trust necessary to make the common judicial area a reality;

I. whereas it is necessary to create networks between judges of different cultures and improve coordination of the existing networks in order to create 'circles of coherence'; whereas, for this, electronic communication is not enough, and there must be fora in which judges can make contact and it is essential to involve judges from the Luxembourg and Strasbourg Courts;

J. whereas judicial studies cannot be limited to substantive and procedural law, and whereas judges need training related to their judicial business and in 'judgecraft';

([1]) http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=60091

Wednesday 14 March 2012

1. Believes, while acknowledging that direct contacts are the best option, that in view of the budgetary constraints, as well as the responses given by judges in the study, such training and advice could also be provided via the Internet (video-conferencing, on-line courses, webstreaming) as well as by means of exchanges; notes that judges call for further assessment and adaptation of training programmes to their needs, while they seem to prefer interactive training where they can exchange experiences and discuss case studies rather than 'classic' (top-down) training formulae;

2. Considers that a further aim would be to coordinate the training provided by existing judicial training schools and facilitate and promote dialogue and professional contacts;

3. Notes that multilingual training is important, as the study shows that only a relatively small number of judges speak a foreign language well enough to be able to participate actively in judicial training in other Member States;

4. Takes the view that one way of resolving the problems (costs, language training, cost-effectiveness) is to utilise modern technology and finance the creation of applications ('apps') on the lines of Apple's ITunes U; such 'apps', prepared by the national schools, ERA, universities and other trainers, would consist of training courses, with video material, including language training (with particular emphasis on legal terminology) and instruction about national legal systems, particular legal procedures, etc. and would be free of charge to members of the judiciary;

5. Considers that successful participation in such courses could constitute the gateway to Erasmus for judges and to participation in training courses abroad;

6. Suggests that such 'apps' could be also be made available to legal practitioners, professional bodies, academics and law students for a modest charge and that their development and production would provide a modest boost to the economy and employment for a relatively small outgoing;

7. Considers that the pilot project, presented by Luigi Berlinguer and Erminia Mazzoni and scheduled to be run in 2012, should aim first of all to identify and expand best practices in organising access to EU law and relevant training within the national judicial systems and training schools; considers, for instance, that the EU should encourage Member States to emulate successful institutions, such as EU law coordinators of the kind that exist in Italy and the Netherlands within the national court structure, and promote the training of such coordinators and otherwise facilitate their work at EU level;

8. Takes the view that the pilot project should encompass the creation of a working group comprising national and European judicial training providers as well as extra-judicial actors, whose aim would be to identify a series of thematic 'clusters' of EU law issues, which seem to be the most relevant for everyday judicial practice, both on 'practical' matters (how to submit a request for preliminary ruling, how to access EU law databases, etc.), and on matters of substance;

9. Suggests that the pilot project could coordinate (a) the exchange of advice and knowledge about individual legal systems among the individual judicial training schools, building upon the existing networks and resources and (b) formal training and familiarisation with foreign legal systems;

10. Proposes, lastly, that the Commission hold an annual forum at which judges of all levels of seniority in areas of law where domestic and cross-border issues frequently arise can hold discussions on a recent area or areas of legal controversy or difficulty, in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding; considers that such a forum could also afford an opportunity for the competent authorities, training providers and experts, including the universities and the professional bodies, to discuss judicial training policy and the future of legal education in Europe;

11. Instructs its President to forward this resolution to the Commission.