

European Commission



# European **judicial training** 2022

Justice and Consumer

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#### European Commission - Directorate-General for Justice and Consumers

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Well-trained justice professionals play an important role both in ensuring that justice is being served to all EU citizens and businesses and in upholding our shared values, such as fundamental rights and the rule of law. This applies even more in the context of the various challenges we have been facing in recent years and the speed of developments affecting our national societies and justice systems. Judicial training can help justice professionals to be fit for these emerging challenges and to keep pace with the EU acquis.

This **eleventh report** measures the participation of targeted justice professionals in training on EU law and nonlegal skills, and the quality of training. It helps to monitor the implementation of the quantitative and qualitative objectives set by the <u>European judicial training strategy for 2021-2024</u>.

In 2021, over 240 000 justice professionals received training on EU law. Compared with the years before the pandemic, the report shows a close-to-30% increase in the number of justice professionals trained on EU law. This is less than in 2020, which was an exceptional year with a major increase in lawyers' online training as a practical response to and enabled by the pandemic lockdowns. In 2021, we can see an upward trend for most professions: prosecutors, lawyers, court and prosecutors' office staff and notaries, and an increase in the training of young professionals. However, judges and bailiffs have not yet caught up with their pre-pandemic-years levels of participation. Also, huge differences remain not only between the different professions but also between Member States. This may have a negative impact on the correct and consistent application of EU law.

This confirms that training of justice professionals must remain a **high priority**. Considering the continuing challenging times, it is essential to ensure constant training, and the expansion of skills and knowledge of justice professionals is crucial. We need to **upskill justice professionals** accordingly and **equip them to adapt** and respond to unprecedented challenges. This is in line with the 2022 Commission Communication <u>'Enforcing EU law</u> for a Europe that delivers', which underlines the role of judicial training to correctly apply and effectively enforce EU law, and with the <u>'2023 European year of skills</u>'. Therefore, **more high-quality training** is needed, whether national or cross-border, and whether EU (co-)funded or not. To complement the training on EU law, the training offer should also focus on judgecraft, professional skills and competences, including **digital skills and the use of new technologies**.

This is why the European Commission is pursuing its ambition to **modernise and digitalise the justice systems**, and to **support Member States and training providers** in their efforts on European judicial training. With the European judicial training strategy for 2021-2024, the Commission set a new impetus to boost the training of justice professionals, to go beyond legal education and to support the development of professional skills. To reach these new objectives, the Commission will continue to support and promote dedicated training platform. And we will organise an online conference in April 2023 specifically dedicated to the digitalisation of justice and the skills justice professionals need to embrace it. The conference will focus on both the content of the training and the training methodologies. But it is equally essential that national training providers respond to emerging training needs accordingly and keep improving the EU law training offer.

I therefore encourage everyone to keep putting training at the top of your agendas.

I trust you will enjoy reading the 2022 report.

Didier Reynders Commissioner for Justice



# Table of content

Objectives of this report	3
Main results of the survey	4
Over 240 000 justice professionals trained in 2021	4
Progress per profession between 2011 and 2021	4
Towards 2022 and beyond	6
Data collection method and coherence of collected data	6
Big differences among Member States and justice professions	7
Participation by profession at EU level	8
Participation by profession broken down by Member State	9
Participation of judges and prosecutors in training on EU law per Member State	9
Training of judges on EU law	10
Training of prosecutors on EU law	12
Training of judges and prosecutors on EU law	14
Participation of lawyers in training on EU law by Member State	15
Participation of notaries in training on EU law by Member State	17
Participation of court and prosecutors' office staff in training on EU law by Member State	19
Participation of bailiffs in training on EU law by Member State	21
Length of training on EU law	23
Wide range of training topics	24
Types of EU law training activities	26
Quality of training	27
Prison and probation officers	
EU-funded training	
Next steps	
Abbreviations of Member States	

- In **2021**, more than **240 000 justice professionals** or **18 % of all EU justice professionals** received training on EU law or on the law of another Member State.
- In comparison with 2020, which marked a record, we can see a substantial decrease in the total number of justice professionals trained. This is mainly due to training of lawyers on EU law, who in 2020 achieved exceptionally high numbers. For all other professions, the report shows an increase in the total number of justice professionals trained.
- In comparison with pre-pandemic years<sup>1</sup>, we can see the upward trend continuing for lawyers, court prosecutors' office staff and notaries, notably due to an increase in online training. The report shows that prosecutors are catching up with pre-pandemic years, whereas judges and bailiffs are slowly recovering from the impact of the COVID-19 pandemic.
- Between 2011 and 2021, over 1.7 million justice professionals took part in training on EU law.
- Training for more than **36 000** participants 15 % of all the justice professionals who received training on EU law, representing 2.7 % of all EU justice professionals – was (co)-funded by the EU in 2021.
- **Considerable differences** in the level of participation in training remain across Member States and the various justice professions.
- In spite of this small upward trend, no profession reached the new quantitative target set for annual continuing training by the European judicial training strategy for 2021-2024. **Further efforts are needed.**
- Better and more targeted training activities answering the needs of justice professionals need to remain the ultimate goal.

# **Objectives of this report**

This is the eleventh report on training on EU law for justice professionals (in particular judges, prosecutors, court and prosecutors' office staff, lawyers, notaries and bailiffs, and more generally prison and probation staff). It is based on the results of a dedicated online questionnaire sent in 2022 to Member States' authorities, European networks of justice professionals and their national members, and the main EU-level providers of training for justice professionals. This report charts the progress towards the qualitative and quantitative objectives set by the European judicial training strategy for 2021-2024<sup>2</sup> adopted by the Commission in December 2020.

Like last year, you will find in this report detailed information on judicial training on EU law, including on the training of young justice professionals, the variety of training activities offered by training providers and the quality of training. The report covers a geographical scope relating to the EU and also to the Western Balkans<sup>3</sup> and to more professions, i.e. prison and probation staff, in line with the 2021-2024 strategy.

<sup>&</sup>lt;sup>1</sup> Especially in comparison to the years 2018 and 2019.

<sup>&</sup>lt;sup>2</sup> <u>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0713</u>

<sup>&</sup>lt;sup>3</sup> Montenegro, North Macedonia, Albania, Serbia, Bosnia and Herzegovina and Kosovo (This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence).

### Main results of the survey

#### Over 240 000 justice professionals trained in 2021

In 2021, over 240 000<sup>4</sup> EU justice professionals (judges, prosecutors, court and prosecutors' office staff, lawyers, bailiffs, and notaries) and their corresponding trainees took part in training activities on EU law. Compared with 2020, which marked a record with over 320 000 justice professionals having received training on EU law, this year's report shows a substantial decrease in the total number of participants by -25 %. This applies mainly to the training of lawyers, who in 2020 achieved exceptionally high numbers. Nevertheless, in comparison with the pre-pandemic years of 2018 and 2019<sup>5</sup>, the report confirms the continuing upward trend for some justice professionals: lawyers, court and prosecutors' office staff and notaries. However, the report clearly shows that the level of participation in training still differs considerably across Member States and among justice professions.

Close to 85 000 practitioners were trained on EU law in the course of their initial training and over 155 000 received continuing training<sup>6</sup> on EU law.



For this eleventh survey, data were available for less justice professionals than in 2020, especially concerning judges and prosecutors. There is also room for improvement as regards the completeness of the provided data.

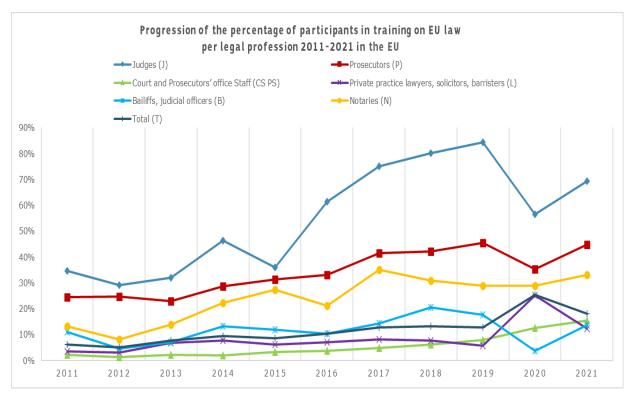
#### **Progress per profession between 2011 and 2021**

Between 2011 and 2021, over to 1.7 million justice professionals from the EU took part in training on EU law. The absolute numbers of participants and the percentage they represent in relation to the total number of practitioners vary greatly between the professions and Member States, notably because of different training needs, training offers but also because of training gaps and data collection issues.

<sup>&</sup>lt;sup>4</sup> This figure is a lower estimate, due to some gaps in the data. The data are based on information received from Member States, training providers and professional organisations and may be incomplete. In compiling the figures, we have taken account of respondents' statements that EU law had been covered in the training of all trainees or in all training activities, where these were accompanied by information on the length of time devoted to EU law or on the topics covered.

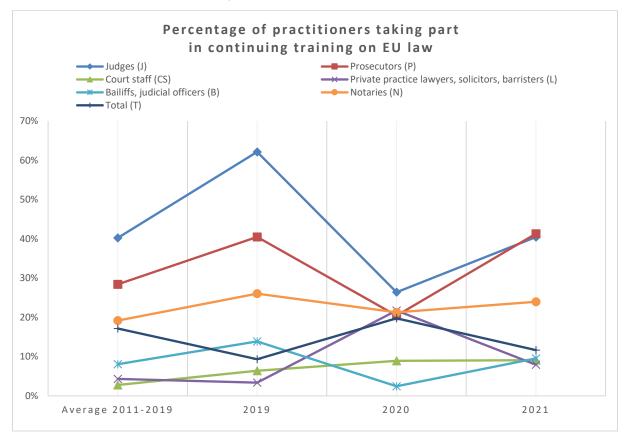
<sup>&</sup>lt;sup>5</sup> In 2018, more than 185 000 justice professionals received training on EU law; in 2019, more than 182 000.

<sup>&</sup>lt;sup>6</sup> 'Continuing training' is training received after appointment as a fully qualified justice professional, excluding initial or induction training, i.e. basic training received immediately after appointment.



Source: European Commission and Deloitte (based on European Commission data for the years 2011-2017).

The following graph aims at monitoring the implementation of the quantitative objectives regarding continuing training on EU law set by the European judicial training strategy for 2021–2024:



Source: European Commission and Deloitte (based on European Commission data for the years 2011-2017).

#### Towards 2022 and beyond

Increases or decreases of training on EU law may not always correspond to a particular reason. In general, in some cases the reasons may relate to aspects of data collection. In other cases, important improvements in the training offer have occurred in the concerned Member State for a certain profession. Fluctuations for a given Member State or profession may reflect more or less participation or, in certain cases, just data gaps (e.g. where the scope of available data narrows from one year to the next). Available data from a Member State might relate only to certain training providers, regions or types of practitioners. For 2021, the report still shows the impact of the COVID-19 pandemic on training activities concerning the training of judges and bailiffs. However, for the other professions – prosecutors, lawyers, notaries and court prosecutors' office staff, we can see a return to pre-pandemic levels of professionals trained or even increases. This is notably due to the availability of more online training.

#### Data collection method and coherence of collected data

The Commission asked various bodies to collect data:

- The European Judicial Training Network (EJTN), for judges, prosecutors and court staff and prosecutors' office staff
- Member States, for court staff and prosecutors' office staff;
- The Council of Bars and Law Societies of Europe (CCBE), for lawyers;
- The European Union of Bailiffs (UEHJ), for bailiffs;
- Notaries of Europe (CNUE), for notaries;
- The Academy of European Law (ERA), the European Institute of Public Administration (EIPA), the European Union Intellectual Property Office (EUIPO), the European Patent Office (EPO), the European Asylum Support Office (EASO) and the European Union Agency for Law Enforcement Training (CEPOL) as regards their courses on EU law for justice practitioners; and
- Its own Directorates-General managing funds for European judicial training activities.

The total numbers of practitioners in each justice profession (as used to calculate the percentages) and the definitions of the professions were taken from the 2022 CEPEJ study on European judicial systems: *Efficiency and quality of justice* (2020 data)<sup>7</sup> and the *Explanatory note to the scheme for evaluating judicial systems 2020-2022 Cycle*, except for court and prosecutors' office staff. For the definition of court and prosecutors' office staff in need of training on EU law as well as the total number of such professionals in the EU Member States, please refer to the *Study on the Training Needs of Court Staff on EU Law in the EU*.

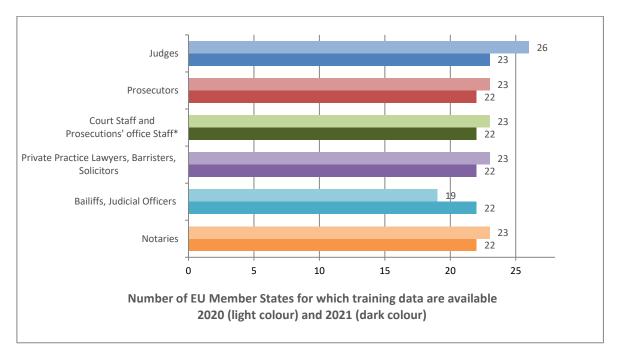
Below, as in previous reports, we include diagrams showing year-on-year comparisons of relevant data concerning different aspects of the participation of justice professionals in training on EU law.

The first diagram illustrates the number of Member States for which at least some data on European judicial training of justice professionals were available from the above-mentioned contact points<sup>8</sup>.

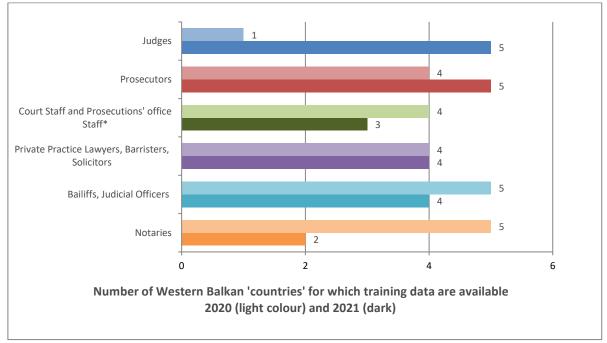
The second graph illustrates the number of Western Balkans 'countries' for which at least some data on European judicial training of justice professionals were available. Although the Western Balkans 'countries' contributed only since the 2021 report to the annual report on European judicial training, the level of contributions received has already slightly improved in comparison with 2020. However, the level of contributions and the data provided can still be further improved.

<sup>&</sup>lt;sup>7</sup> No new or no data were available for 2020 for DK prosecutors, EE notaries, CY notaries, FI notaries and RS bailiffs so the data was taken from the previous <u>2020 CEPEJ study on European judicial systems (data 2018)</u>: <u>Efficiency and quality of justice</u></u>. For ES bailiffs data is available, updated from 2012.

<sup>&</sup>lt;sup>8</sup> Data providers from all Member States responded to the Commission's request but did not always provide all the requested data.







\* Court and prosecutors' office staff in need of training on EU law as defined in the Study on the Training Needs of Court Staff on EU Law in the EU.

#### Big differences among Member States and justice professions

The participation rate varies considerably across the various justice professions and Member States. To some extent, this reflects different training needs, different training offers or missing data. However, while the needs of the different professions for training on EU law differ, more training may be required to meet the actual needs of some professions in some Member States especially in view of the various challenges national systems are confronted with and the emerging training needs of justice professionals to face those.

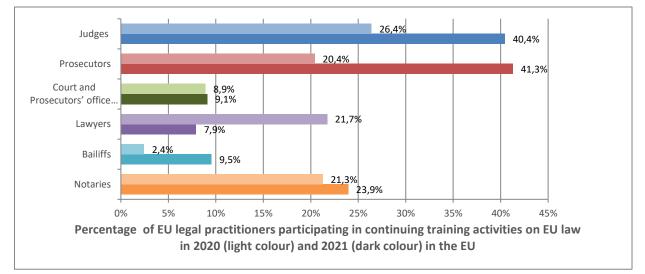
# Participation by profession at EU level

The number of participants in training activities may not correspond to the number of individuals trained, since the same person may have taken part in more than one training activity. However, for a given year, the figures are likely to be similar, since it is reasonable to assume that few practitioners are likely to take part in more than one training activity on EU law in any one year.

As initial training does not exist in all EU Member States and for all professions, the 'European judicial training strategy for 2021-2024' set quantitative targets regarding the continuing training of justice professionals on EU law, adapted to the differing training needs of the professions and to the reached participation levels in training on EU law. The targets and participation by profession are detailed further down in this report.

Overall, the ratio of practitioners participating in **continuing training activities on EU law in 2021 in the EU** (as a proportion of practitioners by profession) is approximately:

- 40.4 % (33 991) of all EU judges;
- 41.3 % (14 841) of all EU prosecutors; or 40.7 % (48 832) of all EU judges and prosecutors,
- 9.1 % (16 026) of all EU court staff and prosecution' office staff in need of EU law training;
- 7.9 % (72 461) of all EU lawyers in private practice;
- 9.5 % (6 229) of all EU bailiffs; and
- 23.9 % (11 911) of all EU notaries.



\* Court and prosecutors' office staff in need of training on EU law as defined in the Study on the Training Needs of Court Staff on EU Law in the EU.

The absolute numbers of professionals trained in continuing training on EU law in the EU in 2021 increased remarkably for bailiffs (+930 %), due both to more reported data and to more training activities held. For lawyers, who reached remarkable numbers in 2020, the report shows a substantial decrease (-63 %). Training of judges, prosecutors and notaries increased in comparison with 2020 by +56 % for judges, +108 % for prosecutors, and +23 % for notaries.

# Participation by profession broken down by Member State

The percentage of justice professionals in a given profession participating in initial or continuing training on EU law varies considerably among Member States.

Below, we report on participation in training by country by judges, prosecutors, lawyers, notaries, court and prosecutors' office staff and bailiffs (professions for which we received data from most Member States and Western Balkans 'countries') for **both initial and continuing training activities**. For the sake of completeness, we show participation in absolute numbers and as percentages of all members of the profession<sup>9</sup> in a year-to-year comparison. The graphs regarding absolute numbers report data per Member State in protocol order<sup>10</sup>.

#### Participation of judges and prosecutors in training on EU law per Member State<sup>11</sup>

The following graphs show the participation of judges and prosecutors in initial and continuing training on EU law in separate tables for an easier comparison. The double-column diagrams allow for a comparison between 2020 and 2021 data.

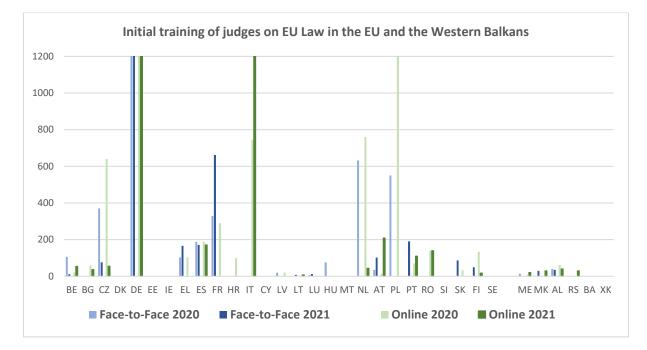
In the graph for continuing training with **percentages**, a red line indicates the new quantitative objective. By **2024**, continuing training on EU law should yearly reach **65 % of judges and prosecutors**. This **objective is currently not reached** by almost all Member States submitting data for judges and prosecutors notably due to the continuing impact of the COVID-19 pandemic. Member States with only a few judges and prosecutors can achieve high percentages of trained practitioners by organising only a few activities. For the same reason, percentages in these Member States can easily change from one year to the next, since small differences in absolute numbers cause significant percentage changes. For judges and prosecutors, there is a **substantial increase** for most Member States in comparison with the especially low numbers of 2020.

<sup>&</sup>lt;sup>9</sup> For Court and prosecutors' office staff, the total number of those in need of training on EU law as defined in the <u>Study on the</u> <u>Training Needs of Court Staff on EU Law in the EU</u>.

http://publications.europa.eu/code/en/en-370100.htm

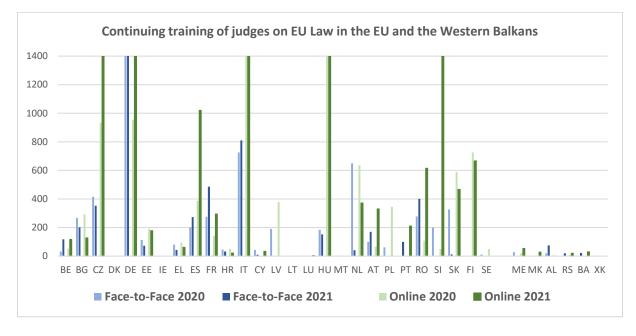
<sup>&</sup>lt;sup>11</sup> See list of country abbreviations at the end of this report.

#### Training of judges on EU law



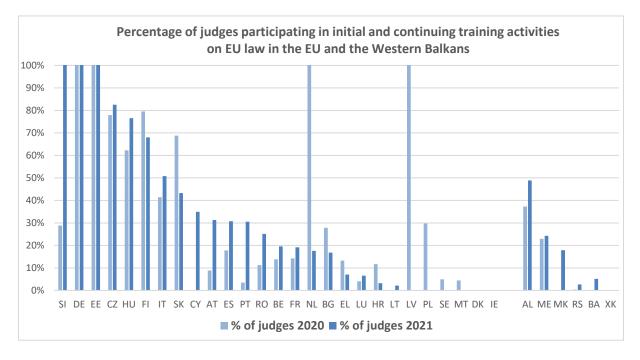
 Note:
 FR and AT figures include prosecutors. \*\*No initial training in LV and SI. \*\*\*Exact figures for: DE face-to-face 2020: 9 643; DE face-to-face 2021: 11 019;

 DE online 2020: 7 449; DE online 2021: 9 060; IT online 2021: 1 218; PL online 2020: 1 951. \*\*\*No data available for IE, MT, PL, SE and XK in 2021.



Note:
 AT figure includes prosecutors.
 \*\*Exact figures for: CZ online 2021: 1998; DE face-to-face 2020: 2761; DE face-to-face 2021: 8758;

 DE online 2021: 5829; IT online 2020: 1436; IT online 2021: 1540; HU online 2020: 1539; HU online 2021: 1984; SI online 2021: 1520.
 \*\*\*No data available for IE, MT, PL, SE and XK in 2021.

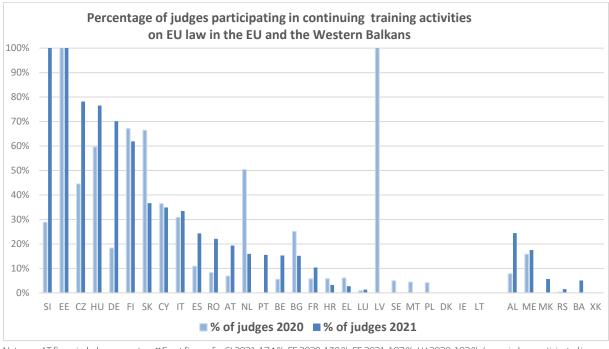


 Note:
 FR and AT figures include prosecutors. \*\*No initial training in LV and SI. \*\*\*Exact figures for: SI 2021: 174%; DE 2020: 102%; DE 2021: 167%;

 EE 2020: 130%; EE 2021:107%; NL 2020: 105%; LV 2020: 109%; (some judges participated in more than one activity). \*\*\*No data available for IE, MT,

 PL, SE and XK in 2021.

The following graph shows that in 2021 only the judges from 5 EU Member States reached the yearly target of 65 % of all judges participating in continuing training on EU law. Overall, 40.4 % of all judges took part in continuing training on EU law in 2021: an increase from the 26.4 % in 2020 but still less than the 62.1 % in 2019.

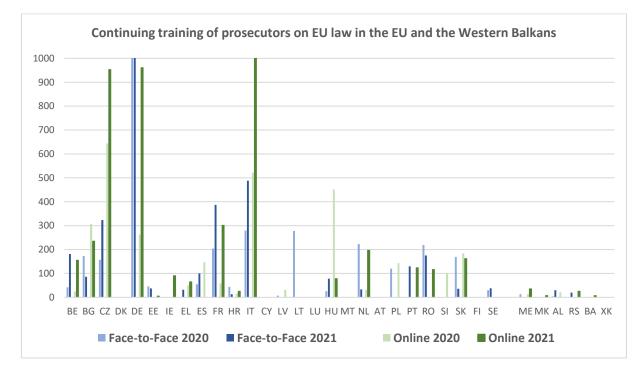


Note: AT figure includes prosecutors. \*\* Exact figures for: SI 2021: 174 %; EE 2020: 130 %; EE 2021: 107 %; LV 2020: 102 %; (some judges participated in more than one activity). \*\*\* No data available for IE, MT, PL, SE and XK in 2021.

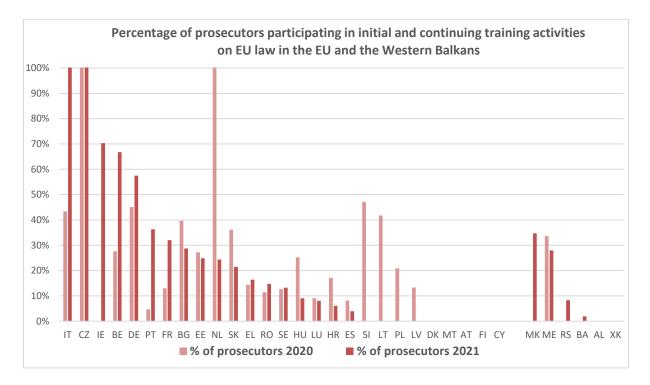
#### Training of prosecutors on EU law



Note: FR and AT figures included in data for judges. \*\*No initial training in EE, IE, LV, LT and SI. \*\*\*Exact figures for: NL: online: 2020: 1408; PL online 2020: 869. \*\*\*\*No data available for: DK, ES, CY, MT, PL, FI and XK in 2021.



Note: AT figure included in data for judges. \*\*Exact figures for: DE face-to-face 2020: 1 171; IT online 2021: 3002. \*\*\*No data available for: DK, ES, CY, MT, PL, FI and XK in 2021.

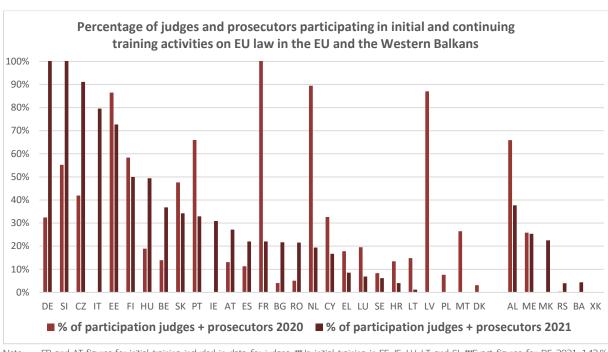


Note: FR and AT figures for initial training included in data for judges. \*\*No initial training in EE, IE, LV, LT and SI. \*\*\*Exact figures for: IT 2021: 169 %; CZ 2021: 112 %; NL 2020: 242 %. \*\*\*\* No data available for: DK, CY, MT, PL, FI and XK in 2021.

The following graph shows that in 2021 only the prosecutors from 3 EU Member States reached the yearly target of 65% of all prosecutors participating in continuing training on EU law. Overall, 41.3% of all prosecutors took part in continuing training on EU law in 2021: an increase from the 20.4% in 2020 and better than the 40.5% in 2019.

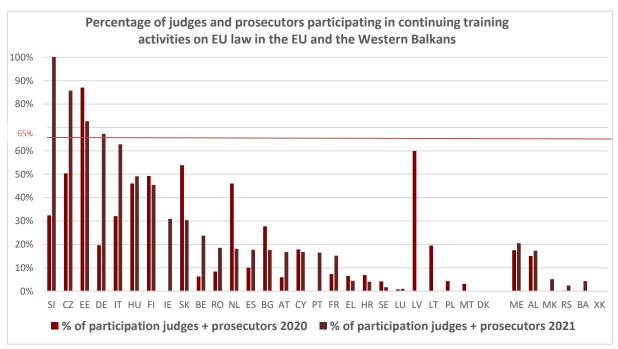


Note: AT figure included in data for judges. \*\*Exact figures for: IT 2021: 154 %; CZ 2021: 104 %. \*\*\* No data available for: DK, CY, MT, PL, FI and XK in 2021.



#### Training of judges and prosecutors on EU law

The following graph shows that in 2021 only the judges and prosecutors from 4 EU Member States reached the yearly combined target of 65% of all judges and prosecutors participating in continuing training on EU law, while judges and prosecutors from 1 Member State almost reached the target (63%). Overall, 40.7% of all judges and prosecutors took part in continuing training on EU law in 2021: an increase from the 24.6% in 2020 and but still less than the 55.7% in 2019.



Note: AT figure included in data for judges. \*\*Exact figures for: SI 2021: 141 %. \*\*\*No or partial data available for: DK, IE, CY, MT, PL, FI, SE and XK in 2021.

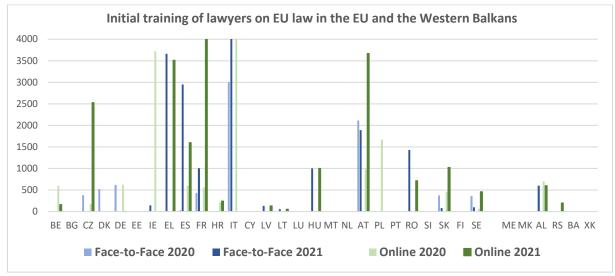
65% = quantitative objective for continuing training of judges and prosecutors on EU law, set by the European judicial training strategy for 2021-2024.

Note: FR and AT figures for initial training included in data for judges. \*\*No initial training in EE, IE, LV, LT and SI. \*\*\*Exact figures for: DE 2021: 142 %; SI 2021: 141 %; FR 2020: 138 %. \*\*\*\*No or partial data available for: DK, IE, CY, MT, PL, FI, SE and XK in 2021.

#### Participation of lawyers in training on EU law by Member State

After the exceptionally high number of training of lawyers in 2020, the 2021 data shows a **substantial decrease** in the number of lawyers participating in EU law training. Nevertheless, in comparison with pre-pandemic years there is a **continuing modest increase** for the training of lawyers as indicated below. The lack of data from lawyers' private training providers remains an issue and means that we might only have a partial picture. No private training providers (not connected to bars) provided data, even though in some Member States lawyers rely on them in significant numbers. In some cases, data were available only for certain regions of a Member State or a certain type of lawyer. But the report shows that a lot has been done since 2011 and that also the reporting has improved.

In the graphs with **percentages**, the red line indicates the new quantitative objective. **By 2024**, continuing training on EU law should reach yearly **15% of all EU lawyers**. In **2021**, this **objective was reached only by a very small number of Member States** for which we received an answer.



Note: No initial training in: BG, EE, ES, MK and BA. \*\*Exact figures for: FR online 2021: 5975; IT face-to-face 2021: 7100; IT online 2020: 12800. \*\*\*No data available for lawyers in CY, LU, MT, NL, PL, ME and XK.



 Note:
 Exact figures for: BG online 2020; 8280; BG online 2021: 6800; ES face-to-face 2021: 3985; HR online 2020: 11151; IT: 2020 face-to-face: 15500; IT online 2020: 137 300; IT online 2021: 31615. "No data available for lawyers in CY, LU, MT, NL, PL, ME and XK in 2021. ""Minimal data for LV, LU, MT, NL MK