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With the support of the European Union

Editorial of the Secretary General

The 29th June 2006 will undoubtedly be remembered as a significant date with the publication of the long-awaited European Commission Communication on Judicial Training and the official launch of the second EJTN Pilot Exchange Programme for judges and public prosecutors, which was attended by the Vice-President of the European Commission, Mr. Franco Frattini.

Both of these events are testimony to the importance given to the training of judges and public prosecutors in the policies of the European Union. These developments will be greeted with much enthusiasm by legal professionals and ordinary citizens alike, by virtue of the fact that investment in judicial training will also have an impact on the quality of justice. Following the momentum generated by the Hague Programme, the Commission is clearly sending a strong signal at the dawn of the entry into the force (in 2007) of the framework programme on Fundamental Rights and Justice. We will return to this theme in the next issue of the EJTN Newsletter, which will be available in November 2006, by discussing the new perspectives proposed in the Communication and, more generally, the future of judicial training in Europe. This is, in fact, an issue that the EJTN has worked on extensively since June 2005, particularly in the drafting of its Strategic Plan for 2006-2013, which will be presented to the General Assembly in Helsinki (20th - 22nd September).

For the time being, however, we will continue to savour the success of the official launch of the Pilot Exchange Programme 2006, which is currently being implemented by the Network.

This event is worthy of a special issue of the EJTN newsletter and I would like to extend my gratitude to Mr. Cavada for his insightful contribution.

The Exchange Programme is indeed a unique project that is guided by a simple and very pragmatic approach. It consists of organising the immersion of judges and prosecutors in the legal system of another country, in addition to improving the efficiency of judicial training through the better coordination of policies, the pursuit of more ambitious goals and the increased use of online technology. Its financial resources, its pedagogical tools, as well as its logistical capacity, are key issues at stake in delivering upon the ultimate objective of promoting the emergence of a common European judicial area that is characterised by mutual confidence between judicial authorities.

The Exchange Programme represents a quiet, yet profound revolution, which, as confirmed by Vice-President Frattini, will be renewed next year (see box page 4). The EJTN, its members and the national training bodies for judges and public prosecutors - to whom I pay tribute for their enthusiasm and for the scale of the progress made thus far - will continue to make every effort to ensure that the Exchange Programme achieves the best results possible. More than ever, the mobilisation of all actors is necessary. As judges, public prosecutors, heads of court and national authorities, you are contributing to bringing this project to life by becoming involved, by giving us your feedback, and by sharing your remarks and suggestions with us through the discussion forum on our website (ejtn@ejtn.net). In this way, we will be able to move forward together towards a true European judicial culture.

Gilles Charbonnier

A word from …

Jean-Marie Cavada, Chairman of the Committee on Civil Liberties, Justice and Home Affairs

The European Parliament and the Committee on Civil Liberties, Justice and Home Affairs, which I have the honour of presiding over, gives great importance to enhancing judicial cooperation between the Member States of the European Union. Since the Tampere Programme, the principle of mutual recognition of judicial decisions has become the cornerstone of effective judicial cooperation in the European Union. For example, this Programme provided a basis for the Framework Decision on the European Arrest Warrant, which is a highly innovative and exemplary instrument - even if there are still a number of obstacles thwarting its effective implementation, as noted with regret by the European Parliament in the recent report of my colleague, Ms. Hazan.

In responding to contemporary political demands, the principle of mutual recognition presupposes that judicial actors in one EU Member State should give equal recognition to the judicial decisions emanating from another Member State. Building mutual trust requires the creation of a comprehensive tool for evaluating justice, as well as improving the exchange of information and the training of judges. In this respect, I believe that the European Judicial Training Network (EJTN) can play a pivotal role.

The activities that have been undertaken by the EJTN over the past two years allow for a better mutual understanding of European judicial systems and contribute to the development of a common European judicial culture. The Exchange Programme for judges and public prosecutors, which is a pilot programme created at the request of the European Parliament, fits perfectly into this scheme. The programme of exchanges facilitates an increase in the number of direct contacts between European judges, magistrates and public prosecutors and is conducive to the promotion of mutual trust between judicial actors.

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Special Feature on the Pilot Exchange Programme for Judicial Authorities

History and Objectives

The Pilot Exchange Programme was launched in 2003 at the initiative of the European Parliament to strengthen direct contacts and mutual confidence between judicial authorities and to facilitate the mutual recognition of decisions within the European Union. How can this be achieved? Tangible ways include the organisation of exchanges for the benefit of members of the judiciary throughout the European Union, promoting coordination between judicial training bodies and developing tools to enable training through distance learning.

In 2005, the first year of the Programme was implemented in close cooperation with the European Judicial Training Network:

- The French National School for the Judiciary organised exchanges for 169 judges and public prosecutors and 4 trainers. It should be noted that a large majority of the participants expressed their satisfaction with the exchanges and believe that the Commission’s objective of creating the conditions for mutual confidence has been achieved.

- The Italian High Council for the Judiciary organised meetings between judicial training bodies over the course of 2005 on subjects such as the training of trainers, the development of common training programmes and the evaluation of training activities.

In 2006, the Pilot Exchange Programme is being implemented by the European Judicial Training Network, which has envisaged a project for the first time, encompassing all of the activities foreseen in the Programme:

- Exchanges: 275 exchanges are being organised for a minimum period of 10 days (see section “Figures for 2006“ below). The applicants are required to fill out an application form, in which they state their reasons for applying, their preferences (general training or specialised training, for example, on the law relating to minors, family law, terrorism or the fight against organised crime...), as well as their linguistic capacities as the training can only be organised if the applicant has a sufficient competence in one of the languages accepted by the host country. The selection of applicants is made by the national training body. After having made contact with the contact point and the “referent” (either a judge/public prosecutor from the host jurisdiction or a member of a training institute) in order to organise the training, the chosen applicants receive the administrative documents from the EJTN, information relating to the judicial system in the host country and an allowance covering the cost of their transport and stay in the host country. At the end of the exchange, the participant is required to submit a report on the training, a summary of which will be published on the EJTN website.

- Development of online tools to facilitate the diffusion of new information to the EJTN members and members of the judiciary (website, newsletter), as well as the training of European judges and public prosecutors (distance learning).

- Organisation of meetings to improve cooperation between judicial bodies and the quality of judicial training in Europe.

All of the activities mentioned above must be completed by 31st December 2006, the date on which the Programme expires.

Activities

Figures for 2006

- 18 partners countries from 17 EU Member States and candidate countries.
- 275 exchanges:
  - 250 judges and public prosecutors (+20% in comparison to 2005) including almost 70 “juniors” (future judges or with less than 3 years’ experience), 155 “seniors”, and 23 Supreme Court judges and public prosecutors.
  - 25 trainers (+50 % in comparison to 2005)
- 3 meetings between judicial training professionals
- Total budget of €2m consisting of an EU grant of almost €1.4m and contributions in kind from the EJTN members equivalent to €0.6m

What they have said....

“This is an essential experience in the European context in which we live.”

Gianluca Grasso, Judge at the Court of Barcellona Pozzo di Gotto (Italy), Exchange Programme participant at the Court in Cologne (Germany), Exchange Programme participant at the public prosecutor’s office in Bourges (France).

“During my stage I really felt European: when discussing legal problems with my French colleagues I felt my European identity.”

Stéphanie Sauer, Deputy Public Prosecutor at the Court in Cologne (Germany), Exchange Programme participant at the public prosecutor’s office in Bourges (France).

“My traineeship was a very enriching personal and professional experience that has exceeded all my expectations.”

Carlos Albertos Dos Santos Monteiro, Deputy General Prosecutor, Administrative Court of Lisbon (Portugal), Exchange Programme participant at the Court of Appeal in Toulouse (France).
The contact points for 2006

Nominated by the judicial training body in partner countries, the task of the contact points is to disseminate information relating to the Exchange Programme in their own country, to select candidates and to coordinate the candidates’ stay in the courts (for the exchanges of judges and prosecutors) or in judicial training bodies (for the exchanges of trainers).

GERMANY
Gabriele MORAVITZ, Justizministerium des Landes Nordrhein-Westfalen

AUSTRIA
Sondra FORNATHER, Bundesministerium für Justiz

BELGIUM
Dave WARSON, Conseil Supérieur de la Justice

BULGARIA
Dragomir JORDANOV, National Institute of Justice

CZECH REPUBLIC
Jaroslav OPRAVIL, Justicni Akademie

DENMARK
Anders MEILVANG, Domstolsstyrelsen

FRANCE
Eric SEVERE-JOLIVET, Ecole Nationale de la Magistrature

FINLAND
Jorma HIRVONEN, Oikeusministerio

ITALY
Eugenio ALBAMONTE, Consiglio Superiore della Magistratura

LATVIA
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ROMANIA
Diana ILICA, National Institute of Magistracy

SLOVAKIA
Katarina STRIZOWA, Judicial Academy

SPAIN
Elena DOMINGUEZ, Centro de Estudios Jurídicos; César MORENO, Escuela Judicial

SWEDEN
Anna-Klara STROMBERG, Domstolsverket

TURKEY
Birsen KARAKAS, Turkish Justice Academy

A specific partnership has been forged with the Network of the Presidents of the Supreme Judicial Courts of the European Union for the exchanges of Supreme Court judges.

Exchange Programme Team

Under the management of the Secretary General of the EJTN, the team is composed of four persons, recruited specifically for the Programme: Aude Magen, Coordinator of section A (exchanges of judges and public prosecutors); Benedetta Vermiglio, Coordinator of sections B (website and online pedagogy) and C (exchanges of trainers, meetings of training bodies); two assistants responsible respectively for researching and preparing documents for publication on the EJTN website and carrying out the feasibility study on the Programme (Orla Sheehy) and for the logistical management of the exchanges (Valérie Legrand).

Official Launch of the 2006 Programme

On 29th June 2006, the European Judicial Training Network held the Official Launch of the 2nd year of the Pilot Exchange Programme at its office in Brussels, which was attended by the Vice-President of the European Commission, Mr. Franco Frattini and almost 100 guests.

Mr. Frattini stated that the Programme was very ambitious and completely in line with the communication on judicial training that was recently adopted by the European Commission. More than ever, the Programme appears to be a key instrument for fostering the three main priorities outlined in the communication, which focus on improving knowledge of: 1) EU law; 2) linguistic skills and 3) judicial systems within the EU. The annual renewal of the Programme will be combined with a sustained increase in the number of objectives pursued.

Mr Gilles Charbonnier, Secretary General of the EJTN, emphasised that the purpose of the exchanges is to improve judges and public prosecutor’s knowledge of other legal systems and reinforce mutual confidence between judicial authorities. The objective of the EJTN is to contribute in a significant way to the development of a common judicial culture based on shared values, experiences and practice - with the ultimate goal of promoting a single judicial area in the European Union.

The floor was also given to the participants of the 1st year of the Pilot Exchange Programme: representatives of the judicial bodies that implemented the Programme in 2005 in collaboration with the EJTN. Mrs. Donatella Ferranti, Secretary General of the Italian High Council of the Judiciary, and Mr. Eric Maitrepierre, Deputy Director of the French National School for the Judiciary, explained how the Programme responds to the current needs of the judiciary and called for its continuation in the future.

This was followed by Mr. Carlos Alberto Dos Santos Monteiro, Deputy General Prosecutor at the Central Administrative Court of Lisbon, Mrs. Liselotte Eckl, Judge at the Commerical Court of Vienna and Mr. Wolfgang Nozar, Deputy Public Prosecutor at the Court of Augsburg (Germany), who spoke of their own experiences as participants in the 1st year of the Programme. They also shared their views on the Programme, which they believe is a crucial instrument for facilitating a better understanding of other legal systems and promoting mutual confidence between judicial authorities.

Meeting of the Contact Points on 29th and 30th 2006 in Brussels

The objective of this two-day meeting was to agree on pedagogical goals, to adopt a common procedure for the organisation of exchanges and to allocate the number of places for judges and public prosecutors in the host countries. Furthermore, a decision was made on the content and dates of three meetings, which aim to: 1) identify and analyse the training needs of European judges and public prosecutors; 2) evaluate the methods and financing of linguistic training for the judiciary; and 3) develop a common policy for training bodies on the 2007 annual programme of the European Commission.
To register: the applicant must contact the institution with direct responsibility for his/her continuous training.

AGENDA
July - November 2006

EJTN Meetings

4th July 2006
"Website" Working Group, London.

20th - 22nd September 2006
Steering Committee and General Assembly, Helsinki.

4th - 5th October 2006
Meeting on the topic "Linguistic training of judges and prosecutors" in Bucharest (in the framework of the Pilot Exchange Programme)

17th October 2006

9th - 10th November 2006
"Website" Working Group and "External Relations" Working Group, Rome.

Training Activities Co-financed by the EU (extract from the EJTN catalogue)

October 2006

3rd - 6th: Evidence in Criminal Matters in the EU (CSJ, Belgium).

16th - 18th: Training of National Judges on the European Enforcement Order for Uncontested Claims and Access to the Judicial System of another Member State (CSM, Italy).


30th - 31st: The Fight against Discrimination in Practice (ERA, Germany).

November 2006
27th - 28th: The Fight against Discrimination in Practice (ERA, Germany).

Looking to the Future: the 2007 Exchange Programme

On 11th July 2006, the European Commission adopted a work programme for the organisation of the Exchange Programme for 2007. The objectives have noticeably been re-adjusted and it is expected that 400 exchanges (as opposed to 275 this year) will be carried out. Furthermore, the Programme will be open to administrative judges, non-judicial members of the prosecution, as well as all types of specialist judges. The work programme also calls for the diversification of exchanges: members of EUROJUST, the European Court of Justice and High Councils of the Judiciary were specifically mentioned in this regard. Above all, the EJTN is recognised as the natural promoter of the Exchange Programme, as a result of the work that has already been carried out by the Network and its members over the course of the last year.

For additional information on the Exchange Programme, please visit the space dedicated to the Programme on the EJTN website (www.ejtn.net).

Recent publications

Publications available on the EJTN website: www.ejtn.net

European Commission Communication on Judicial Training

On 29th June 2006, the executive branch of the EU adopted a communication on “Judicial Training in the European Union.” This document recalls that the development of a European judicial area requires legal professionals to continuously update their knowledge. As the situation demands the increased circulation of judgments in Europe, it is essential to enhance mutual knowledge of judicial systems among judicial authorities in order to foster genuine mutual confidence. In this regard, judicial training can play a key role and the EJTN is recognised as a central partner at the EU level in this domain. The Network will thus benefit from a substantial increase in its logistical and financial resources, but at the same time, it must also be in a position to respond to new ambitions expressed by the European institutions. In this regard, the Strategic Plan of the Network, which is currently being developed, will be an extremely valuable tool.


Work Programme adopted by the Commission on 11th July 2006 for the implementation of the Exchange Programme for the year 2007

Other Publications


This issue will be published on the EJTN website and translated into all of the languages of the EU and candidate countries to enable the widest distribution of the EJTN Newsletter to judges and public prosecutors.

NEXT ISSUE OF THE EJTN Newsletter

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