

Al Comitato di Presidenza

Alla IX Commissione

Al sig. Segretario Generale

Roma, li 3 febbraio 2005

Il sottoscritto Magistrato Segretario, dott. Silvia Coppari, trasmette il resoconto avente ad oggetto:
partecipazione della delegazione consiliare alla riunione dello Steering Committee della Rete Europea di Formazione Giudiziaria tenutosi a Bruxelles in data 28.01.05

In esecuzione delle delibera consiliare in data 20.01.05, il sottoscritto magistrato segretario ha partecipato alla riunione delle Steering Committee della Rete Europea di Formazione Giudiziaria tenutasi il 28.01.05 in Bruxelles, presso la sede del Conseil Supérieur de la Justice del Belgio.

Ai lavori dello Steering Committee erano presenti, oltre al Segretario Generale della Rete, dott. Armando D'ALTERIO, ed ai rappresentanti del Segretariato Heusel Wolfgang e Maiso Leyre:

- per il Belgio, Conseil Supérieur de la Justice, Van den Broeck Edith e Hamaide Jacques ;
- per la Francia, Ecole Nationale de la Magistrature, Ceccaldi Silvie e Charbonnier Gilles;
- per la Germania, Federal Ministry of Justice, Hansjorg Scherer;
- per la Spagna, Centro de Estudios Jurídicos de la Administración de Justicia (CEJAJ), Dominguez Peco Elena;
- per la Gran Bretagna, Inghilterra e Galles, Judicial Studies Board Hall Victor;
- per l'Olanda, Langbroek Martin;
- per il Lussemburgo, Ministero della Giustizia, Schaack Joelle;

in qualità di "Observers":

- per la Grecia, National School of Judges, Athineos Antonios;
- per l'Italia, C.S.M., Coppari Silvia.

La riunione del Comitato veniva presieduta ed aperta dall'intervento della delegazione Belga, nei

locali suddetti, alle ore 10:00.

Il primo argomento affrontato, secondo l'ordine indicato nell'Agenda dei lavori (Allegato n.1), è stato quello relativo alla approvazione della bozza del verbale della Assemblea Generale tenutasi all'Aja nei giorni 7,8 e 9 dicembre 2004. Non essendovi osservazioni, esso veniva approvato all'unanimità.

La dott.ssa Silvia Coppari preliminarmente, con riferimento al verbale del precedente Steering Committee tenutosi nei giorni 16 e 17 novembre 2004, ricordava le osservazioni presentate, per conto dell'Italia, dal dott. Carmelo Celentano trasmesse, con e-mail del 30.11.04 (Allegato 2), a tutti i paesi che avevano partecipato alla riunione del Comitato medesimo.

In particolare le osservazioni al verbale formulate riguardavano tre punti così sintetizzati:

- a) la mancanza di una qualunque considerazione delle conseguenze fiscali delle contribuzioni alla luce della legislazione belga;
- b) l'importanza di indicare con precisione i membri che espressero voto contrario nell'ambito della decisione di prevedere un'obbligazione di pagare una "membership fee";
- c) l'impossibilità di mettere nelle voci di "entrata" del budget le contribuzione considerate per gli anni successivi al 2005.

Subito dopo prendeva la parola Wolfgang Heusel il quale, nel riconoscere di aver ricevuto le osservazioni menzionate, puntualizzava che si trattava, comunque, di un punto di vista della delegazione italiana. I membri dello Steering Committee si limitavano a prenderne atto, e la discussione proseguiva sugli altri punti indicati all'ordine del giorno.

La presidenza belga interveniva per riprendere i lavori secondo il calendario e sottolineando l'importanza della riunione, trattandosi di un momento di transizione di vitale importanza per il futuro della Rete ed esprimendo la convinzione che per il successo degli obiettivi futuri della Rete non si sarebbe potuto prescindere dalla soluzione dei problemi inerenti la struttura amministrativa del nuovo segretariato che, pertanto, andavano risolti senza fretta e con la dovuta prudenza. In particolare, Edith Van den Broeck segnalava il problema che, allo stato, nessun paese membro della Rete aveva ancora pagato la propria membership fee con la conseguenza che, a proprio avviso, si sarebbe dovuto procedere con cautela al fine di evitare di prendere impegni economici in difetto di una sufficiente disponibilità di denaro.

Prendeva, quindi, la parola il Segretario Generale per illustrare i propri "reports" relativi alle attività svolte dalla Rete per l'anno 2004 e quello sul programma annuale dell'attività programma ta per il 2005 (Allegati n. 3 e 4) nonché per rendere edotti i presenti sia sullo stato di avanzamento delle procedure avviate per il sovvenzionamento AGIS sia in ordine ai lavori di implementazione delle

strutture logistiche e amministrative del nuovo segretario della Rete.

Il Segretario Generale, nell'augurarsi che la nuova candidatura presentata dalla Rete per l'ottenimento del finanziamento AGIS abbia successo, comunicava che procedendo così come fatto sin qui, tutto sarebbe stato verosimilmente pronto per il mese di aprile 2005, con la conseguenza che il nuovo Segretario Generale, subito dopo il suo insediamento (fissato per la metà del mese di marzo 2005), avrebbe potuto fruire della nuova struttura. Più in particolare il dott. D'Alterio passava ad elencare le singole operazioni svolte in tale direzione, sottoponendo all'attenzione delle delegazioni presenti, in primo luogo, la necessità di pubblicare l'avviso (All. 5) per la raccolta di disponibilità in ordine all'assunzione del personale amministrativo (in numero di due unità, così come deciso dall'Assemblea Generale) che si sarebbe dovuto assumere secondo la legislazione belga, illustrando le capacità richieste per ogni specifica mansione, nonché l'ammontare del relativo stipendio e dell'impegno lavorativo richiesto.

Il dott. D'Alterio, infine, premettendo che, con riguardo all'inizio delle procedure di selezione del personale amministrativo del nuovo Segretariato (quali procedure finalizzate a garantirne il carattere di indipendenza specificamente richiesto ai fini del finanziamento AGIS nonché demandate dall'Assemblea Generale, oltre che a D'Alterio medesimo, anche a Gilles Charbonnier e a Wolfgang Heusel) si trattava di un'attività preliminare ed esplorativa, passava ad illustrare l'attività svolta nella ricerca dei locali in cui si sarebbe dovuta insediare la nuova struttura amministrativa della Rete, producendo un dossier fotografico, completo di offerte di locazioni relative ad immobili situati tutti in "Avenue Louise", reputata, per la sua collocazione all'interno della città di Bruxelles, luogo idoneo e strategico per accogliere i nuovi uffici della Rete. Evidenziava, poi, l'opportunità del momento per la stipulazioni di tali contratti, considerate le favorevoli condizioni di mercato, con la conseguenza che vi erano da valutare interessanti proposte di locazioni di immobili, per un costo mensile oscillante da un massimo di 3700 Euro (per soluzioni di prestigio) a un minimo di 1000 Euro mensili (per soluzioni comunque decorose). Sottolineava infine che, nonostante l'Assemblea Generale avesse conferito tale specifico mandato (relativo al reperimento di locali idonei e all'avvio delle procedure di ricerca del personale amministrativo) ad un soggetto collegiale, aveva, per circostanze indipendenti dalla sua volontà, dovuto avviare da solo tali ricerche.

Prendeva, quindi, la parola Heusel per sottolineare la necessità, da parte dello Steering Committee, di fissare i parametri per la scelta delle strutture da affittare.

Subito dopo interveniva Gilles Charbonnier che, dopo essersi riportato alle linee guida del proprio *plan action* (presentato in occasione della propria candidatura per Segretario Generale in occasione dell'Assemblea Generale di dicembre), da un lato, ribadiva la necessità di una fase organizzativa

efficiente e responsabile al fine di dotare la Rete di una struttura idonea per consentirle di affrontare una nuova fase di sviluppo ma, dall'altro, evidenziava come i problemi da affrontare non fossero tanto le tipologie dei locali da affittare o altre questioni di natura simile (a suo avviso già risolte dall'Assemblea Generale), ma bensì le strategie di lungo periodo da perseguire e, soprattutto, il problema economico.

Edith Van den Broeck, concordando con tale ultimo intervento, sottolineava, a propria volta, il problema economico della Rete precisando che fino a quando non ci sarebbe stata una sufficiente disponibilità di denaro non sarebbe stato prudente andare avanti nell'assumersi impegni giuridici comportanti obbligazioni di natura economica per la Rete. Ciò premesso ella proponeva, preliminarmente, di decidere quali attività sviluppare nel breve, medio e lungo periodo, al fine di poter decidere quali contratti concludere e con quali tempi, evidenziando l'opportunità di fissare una nuova scadenza per il completamento delle operazioni necessarie all'allestimento del nuovo segretariato, con uno slittamento in avanti del termine inizialmente fissato.

Wolfagan Heusel, da parte sua, pur concordando sulla necessità di essere prudenti, segnalava invece l'opportunità di optare per una soluzione decorosa e non troppo costosa, sin da subito, sottolineando l'infedeltà del presupposto dell'autonomia del segretariato per una valutazione positiva da parte della Commissione Europea in ordine al sovvenzionamento richiesto.

Silvia Coppari, nel concordare con la necessità di procedere con la necessaria cautela, esprimeva la convinzione dell'inopportunità di far slittare troppo in avanti tale termine (anche in considerazione dei tempi imposti dalla candidatura per il sovvenzionamento AGIS), evidenziando come si dovesse comunque procedere secondo quanto deciso dall'Assemblea Generale.

A questo punto il Segretario Generale evidenziava come il termine di scadenza per il pagamento della *membership fee*, fissato per il 31 marzo 2005, non impediva che i membri dessero comunque corso alle rispettive procedure di pagamento anche prima del suddetto termine di scadenza.

La delegazione belga proponeva ulteriormente di fissare tre scansioni temporali per tre diversi stadi di avanzamento dei lavori (una di breve, una di medio e infine una di lungo periodo) necessarie per la realizzazione della trasformazione definitiva della Rete in organismo dotato di propri locali e di un autonomo staff amministrativo; distribuiva inoltre dei fac simile di preventivi per l'assunzione di personale (All.6).

Nel breve periodo (ossia nell'immediatezza) si sarebbero dovute avviare le procedure interne per munire la Rete della necessaria liquidità attraverso il pagamento delle rispettive *membership fees*; nel medio periodo, con termine indicativamente fissato per il 15 marzo 2005, si sarebbe dovuta verificare la liquidità raggiunta e, a quel punto, si sarebbero potute completare le procedure per l'assunzione del personale amministrativo anche tenendo conto dell'esito della candidatura per

l'ottenimento del finanziamento AGIS, fissando con maggiore consapevolezza le strategie della Rete per il 2005; infine, entro il mese di giugno, dopo una fase transitoria di circa tre mesi in cui il Belgio avrebbe offerto alla Rete ospitalità gratuita presso il proprio Consiglio Superiore della Magistratura, si sarebbero definitivamente completate tutte le operazioni necessarie per l'affitto dei locali e per l'assunzione del personale.

Wolfagan Heusel esprimeva forti perplessità in ordine a tale proposta affermando che a suo avviso era rischiosa in quanto sarebbe stato difficile spiegare alla Comunità Europea come mai non era stato possibile riuscire a completare le procedure di affitto dei locali e di assunzione del personale entro il mese di marzo.

Silvia Coppari, nel ringraziare la delegazione belga per la proposta di ospitare gratuitamente la Rete durante il periodo transitorio di tre mesi osservava, nondimeno, che sarebbe stato necessario garantire, anche in tale periodo, che gli uffici provvisori della Rete avessero una propria identità logistica così come che la corrispondenza di essa fosse gestita esclusivamente dal personale amministrativo della Rete.

Charbonnier ribadiva, da parte sua, come priorità assoluta fosse quella di dotare la Rete di una idonea liquidità proprio per comprovare la propria capacità di assumere e di sostenere i necessari impegni economici.

D'Alterio precisava che, ove tutti i paesi membri avessero onorato gli impegni assunti all'Assemblea Generale di dicembre 2004, si sarebbe raggiunta la quota di circa 100.000 Euro.

Dopo tale illustrazione veniva richiesto a tutte le delegazioni di esprimersi in ordine alla possibilità, da parte dei rispettivi paesi, di pagare quanto prima (e possibilmente entro febbraio) la propria membership fee secondo quanto deciso dall'Assemblea Generale.

L'Olanda affermava che avrebbe pagato presto la propria membership fee, la Germania ribadiva che avrebbe potuto pagare solo nel 2006, la Francia assicurava di poter pagare entro il mese di febbraio, l'Italia assicurava che si sarebbe fatta portavoce di tale esigenza manifestata dal Comitato direttivo precisando, comunque, che solo l'assemblea plenaria della propria istituzione avrebbe potuto assumere tale decisione, la Spagna affermava che avrebbe potuto pagare il 50% dell'intero ammontare della propria quota, unitamente all'altra istituzione spagnola aderente alla Rete, l'Inghilterra affermava che avrebbe pagato (senza specificare quando), la Grecia ribadiva che per quest'anno non sarebbe stata in grado di pagare assicurando il proprio impegno per il 2006, il Lussemburgo si riservava di far sapere più avanti, con un e-mail indirizzata al Segretario Generale la propria determinazione sul punto, il Belgio riteneva di poter adempiere prima della fine di marzo.

I lavori, su proposta della presidenza belga, venivano sospesi alle ore 13,00 per la pausa pranzo e

riprendevano nel pomeriggio alle 14,30 circa.

Alla ripresa pomeridiana dei lavori, Edith Van den Broeck riprendeva la parola illustrando più compiutamente la propria proposta relativa alle scansioni temporali sopra dette sottoponendole alla votazione del Comitato direttivo.

La proposta della delegazione belga veniva approvata e si passava a fissare la data per il prossimo Comitato Direttivo per il giorno 21.03.05. Charbonnier, a chiusura dei lavori, affermava che in tale data sarebbe stato possibile effettuare una verifica più attendibile dello stato di avanzamento dei lavori per orientare nel modo più efficiente possibile le scelte da assumere, completando il lavoro avviato dal dott. D'Alterio.

La riunione si concludeva con un ringraziamento rivolto al dott. D'Alterio per il lavoro svolto sino alla fine del suo mandato, da parte di tutti i partecipanti.

Il magistrato Segretario

Dott. Silvia Coppari

as of 8 August 2003

Allegato n° 1
28.01.05
[Signature]

EJTN STEERING COMMITTEE MEETING
Brussels, Conseil Supérieur de Justice

AGENDA

Steering Committee meeting
Friday, January, 28th 2005 – 10.00 to 17:00

General items:

- 1) **Approval of the draft Agenda**
- 2) **Report by the Secretary General and the Secretariat on the state of implementation of the EJTN AGIS Operational Grant application**
- 3) **Information about the activities related to the setting up of the new EJTN secretariat (hiring of personnel and premises; moving of the Website)**
- 4) **Time schedule for the payment of the Membership fee.**
- 5) **Overview and registration of the statutory modifications.**
- 6) **Miscellaneous**

Allegato 2
del resoconto 28.1.05

Dott. Celentano

Da: Dott. Celentano [celentano@cosmag.it]
Inviato: martedì 30 novembre 2004 17.24
A: Alejandro Saiz Arnaiz [a.saizarnaiz@cgpj.es]; A. M. Fonseca (E-Mail); Andrés Saicedo (E-Mail); Armando d'Alterio; Aude Magen (E-Mail); Brian McCracken (E-Mail); Cejaj (E-Mail); Christophe Cosmidis (E-Mail); David Warson (E-Mail); Debora Matthews (E-Mail); Edith van den Broeck (E-Mail); EJTN; Elena Dominguez (E-Mail); Elisha d'Arcy (E-Mail); Félix V. Azón Vilas (E-Mail); Gabriele Morawitz (E-Mail); Georgios Panagiotopoulos (E-Mail); Gilles Charbonnier (E-Mail); Gitta Kuhlmann (E-Mail); Helmut Palder (E-Mail); Jacques Hamaide (E-Mail); Johannes Riedel (E-Mail); Jorma Hirvonen (E-Mail); Jos de Vos (E-Mail); José Fernández Vega (E-Mail); José Francisco Valls Gombau (E-Mail); José Miguel de la Rosa Cortina (E-Mail); Kari Kiesilainen (E-Mail); Marie-Luce Cavois (E-Mail); Michael Gressmann (E-Mail); Rosa Acebedo (E-Mail); Sylvie Ceccaldi (E-Mail); Victor Hall (E-Mail); Heusel Wolfgang; Leyre Maiso [lmais@era.int]; Armando d'Alterio
Oggetto: URGENT Remarks regarding Minutes Steering Committee meeting Brussels 16 November 2004

Dear all,
we just received the Minutes of Steering Committee, held in Brussels 16 november 2004, and are very surprised indeed of its content.
First of all we noted the complete lack of important positions and statements expressed by the participants to the meeting. As we know, all the approved minutes of any body of the EJTN took in account the various contributions expressed, with a very detailed transcription. For instance, the last two minutes of the Steering Committee (Dublin and Bruxelles) followed such a structure.
It is curious that in an occasion so important, during which the Steering Committee discussed about modifications of the articles of association and about the obligation to pay membership fees, the minutes are so inconsistent with the mutual trust and the will to cooperate, mentioned in the preamble of the rules of procedure, approved in Salonicco.
We noted that all observations submitted by CSM representative have completely disappeared, and we want one time more to point out: - the lack of any consideration about the fiscal consequences of the contributions, in the light of the Belgian law; - the importance to indicate very precisely the member who expressed a contrary vote, within the decision to provide an obligation to pay a membership fee; - the impossibility to put, in the income part of the budget, contributions envisaged for the years following 2005, and so on.
On the other hand, the minutes don't take in account relevant observations made by the representatives of Spain, England and Wales, Ireland, Germany and once more Italy, in relation to the problems involving independence of training judges and the adoption of a communitarian instrument to recognize EJTN.
The discussion about the role of the Secretary General within his institution disappeared as well.
At the end, we consider what happened a serious breach of our rules, and a lack of transparency toward the General Assembly, whose decisions can be taken only on the base of a clear description of the proposals discussed. In the light of this principle Belgian law provides deadlines and clear descriptions of the articles to be amended by General Assembly.
In this respect, any breach of this rules could impose the denial of Belgian authorities recognition.
Consequently we ask an urgent meeting of the Steering Committee, immediately before the General Assembly, on 7 december.
Carmelo Celentano

Allegato n°3
al resoconto 28.1.05
DH

European Judicial Training Network

The Secretary General

Annual Report about the activities of the Network in 2004.

This report concerns the activities carried on after the General Assembly, held in Rome 12-13 December 2003, then covering the period January-December 2004.

The ordinary EJTJN activities, as well as the most important tasks of selecting the administration and operational goals and means, together with the control on the direct administration are granted by EJTJN Bodies and Working Groups. These are the following:

- a) The General Assembly
- b) The Steering Committee
- c) Four Working groups
- d) The Secretary General
- e) The Secretariat (to be replaced, according to the directions by the Steering Committee, by an administration centre, independent of its members).

The most important EJTJN activities in 2005 have been

- 1) Implementation of the process, already started in 2004, aiming at showing the full operational financial capacity, that will have be obtained already in the same 2004, through the modifications of its structure and rules
- 2) Assuring the full involvement in 2005 activities of the new Member Institutions that will have entered EJTJN in the next G.A., at the end of 2004.
- 3) Assuring the coordination of EJTJN judicial training activities (Member Partnerships and EJTJN partnerships in Member activities concerning the E.U. applications related to civil and criminal matters; among others: ENM/EJTJN Exchange Programme second call Section A); CSM/ EJTJN Exchange Programme first call Section C.
- 4) Assuring the continuous updating of EJTJN Websites.

Detailed plan about the content of the activities implemented.

- 1) The approval and implementation of the Judicial training activities named: “Open Actions”, concerning the mutual exchange, between Members, of participations of judges and prosecutors to the respective national seminars and meeting, further to the usual ones, related to international issues, developing in the framework of E.U. Commission financed actions.

For the Open Actions, the further expenses, related to interpretation, travel and accommodation, should have been partially covered, in the provision of EJTN administration, with the support of the EU subvention related to the EJTN Agis application (Project Grant application n . 151, total amount Euros 367.500); it concerned the interpretation expenses for Open actions).

Notwithstanding the lack of support, the Action has been started and is currently run (see the attached report, drafted by ENM, France, WG1 Convener).

- 2) The discussions and approval of the programme aiming at the organization and implementation of the first EJTN Forum “In search of best practices for trainers”.

Also for this action, that should have been held in October, Barcelona, the rejection of the application made by the Escuela Judicial has not allowed the implementation of the activity. But the activities run are not wasted, because the experience will be useful for next judicial training initiatives, first of all in the Rome Forum (Exchange section C)

- 3) The elaboration of the application for EU Commission support, related to the organization and implementation of the judicial training initiative, in partnership with the CSM, that will be run in 2005, under Section C of the 2004 Exchange Programme.

This will be held in Rome, on January 31 and February 1, and will offer a wide and deep analysis of training methodologies and contents. The conference will be based on separate workshops, whose activities will be recorded, filmed and then put on the EJTN Website. It will involve the following subjects:

1. Objectives of the training of judges; 2) Contents of judges training programmes;
- 3) Definition of training needs; 4) Methodologies; 5) Evaluation; 6) Practical organisation of training.

Further meetings will be held for the purpose of evaluating and deepening the results of the previous activity; this phase will conclude with a final two-day conference aiming at developing and consolidating

- 4) The drafting by the undersigned of the “EJTN Secretary General first Benchbook” (see it in attachment , written by the undersigned).

This “Benchbook” is useful to point out the activity relating both to judicial training and to the administrative setting up of the network, implemented during the charge.

All these activities have been discussed and organized on the basis of the activities run by Members in the EJTN Working Groups, as follows.

A) Working Group 1(Programmes) Paris, January 12th and 13th (the Convener of the Group is ENM, France, that has employed almost full time, in the administrative activities, qualified personnel of its staff (Miss Maud Augen).

The following activities were implemented in this working Group:

- a) Report about the meeting of an EJTN delegation with the Agis Commission, on the conditions for 2004 EJTN Agis applications both for operational and for project grant (mutual openings of national actions; in short, Open actions.
- b) Discussion and approval of the list of “Open Actions” (the judicial training initiatives open to the Judiciary of other European Countries, with expenses for interpretation in charge of the Organizing Country and expenses for accommodation in charge of the Country sending participants).
- c) Approval of the programme concerning the first “Ejtn Forum” in search of best practices for trainers” proposed by the Escuela Judicial and decision about the composition and coordination of four Working Groups.
- d) Approval of EJTN Members mutual partnerships in Agis Programmes.
- e) Meeting and discussion with Mr. Jean Jacques Nuss and Miss Joelle Lagast of the Agis Commission, concerning the criteria for Agis 2004 applications. This initiative was very important, as, thank to the following report sent to all Members, aims and contents of the E.U. standard for judicial training, requested by the E.U. Commission were spread among all members institutions.

B) Working Group 1(Programmes) Paris, July 7th, 2004.

Discussion and approval of the draft proposal of Exchange Programme to be presented under Section A, E.U. Call for application Exchange Programme (Promoter: ENM; Partners, EJTN and many of its Members).

Pointing out of a set of questions to be posed to the Agis Commission, relating to the said programme; the following results were spread among all Members institutions.

Approval of the draft proposal of Exchange Programme to be presented under Section C of the Exchange Programme (Promoter: CSM; partners, EJTN and many of its Members).

C) Working Group 1 (Programmes) Paris, November 17th, 2004.

Updating of Members about results of Open Actions.
Information about the imminent start to the Exchange Programme and pointing out of further preliminary issues.

D) Meetings aiming at the discussion and approval of EJTN Structural Reforms on October and November (Working Group Reforms, chaired by SSR, October 25th, 2004 and Steering Committee, chaired by CSJ, November 16th, 2004). Proposals by the SSR (Netherlands) and CSJ (Belgium) were discussed and approved by the Steering Committee, as to the structural reforms and the financial modification of the statutes, concerning in particular the provision of the setting up of an EJTN financial fund.

E) Meeting of the WG Website, June 1st, 2004, Dublin.

In this meeting, the future development of the Website has been proposed by the Convener (JSB) and approved. Also the participation in the second year call for Exchange Programme under section B of the Exchange Programme (setting up of teaching tools) has been envisaged by the Group, as one of its competencies.

F) Meeting of the WG External Relations, Barcelona, February 27th.

The meeting was very important, because the following issues were decided: EJTN Enlargement procedure to be followed;
external relations of the Network (in particular with Lisbon Network, Ibero-American Network, and other non EU Countries).

G) Activities of the S.G.

- a) 2004 application for Agis Operational Grant.
- b) 2004 application for Agis Project Grant.
- c) EJTN Secretary General first Benchbook (as to the content, see the index of the Benchbook).
- c) 2005 Application for Agis Operational Grant*
- d) Activities related to the procedure of application for Agis Grant.
- e) Support to the EJTN request for a communitarian instrument.

f) Participation and contribution to all EJTN meetings of WGs and Steering Committees; activities related to the EJTN enlargement process, subsequent to May 1st EU enlargement to 25 Member States.

g) Representation of EJTN in international contexts and related judicial training initiatives.

a) The 2004 application for Operational Grant was presented on January 13th (operational Grant application n 1, total amount 200.000 Euros) in the respect of the deadline of January 15th.

The application concerned funding for ordinary Eجتn activities (staff, website, meetings).

b) 2004 Agis application for Project Grant

The 2004 Agis application for Project Grant was presented on February 10th , in the respect of the deadline of January 13th.

The final report about 2003 Agis application (n. 137) was presented, abiding by the deadline of April 15th, established by the Commission.

The Operational Grant application was based on the budget approved by the General Assembly in Rome; both applications and related documentation were prepared in collaboration between the Secretariat, ENM- as Working Group Programmes' Coordinator- and the Secretary General.

The application were rejected, due to the structure of the network, according to the Statute that the G.A. in The Hague has amended (see for this purpose the report "Description of EJTN structural organization and main competencies of its bodies" (n. 6 of the list contained in the Agis application form) and in particular paragraph E, page 7: The Secretary General, his secretariat and EJTN own funding).

The fundamental reason for rejection depend of the fact that the means provided to the Network for the community budget were used to finance the components of the Network and not the Network proper. This would neither provide the network with visibility, nor with a clear distinction between it and its Members.

Therefore the necessity was stressed (and accepted by EJTN General Assembly in The Hague, with the approval of the subsequent reform) for **the Network to acquire a proper financial structure (including an accountant paid for directly by the Network)** so allowing the Commission to check the use of EU funds.

c) Preparation of the 2005 Agis Operational Grant application and of the 2004 and 2005 annual activity reports.

d) The activities run by the S.G. for the purpose of supporting the 2004 applications and complying with 2003 application duties

In connection and also after the presentation of the applications, the following activities were carried on among the others:

January 7th 2004

Meeting with Mr. Jean Jacques Nuss (former director of Unit B5) and with Miss Isabel Jegouzo, with the participation of representatives of ENM (M. L. Cavrois , G. Charbonnier).

Information were achieved as to the funding of expenses concerning interpretation, the period covered by the funding, amount of money achievable, content of activities and the European Exchange Programme.

January 7th-13th 2004

Drafting and sending, in consultation and collaboration with the Secretariat and ENM as WG Programmes coordinator, of the application for funding, concerning the operational Grant.

January 21th 2004

Meeting in Rome, CSM with Mr. Roberto Segre, aiming at better focusing the leading principles as to the application for Project Grant.

January 28th 2004

Meeting, at the Belgian High Council for the Justice, in Brussels , with Marie Luce Cavrois (ENM) and Wolfgang Heusel (ERA), aiming at working out the application for Project Grant "Open Actions".

Meeting, in the same day, with personnel of the KBC Bank; delegation of financial power to the Secretariat, as decided by Rome General Assembly.

Meeting with Mr. Segre, in which the documentation concerning the Ejtn application for operational grant was examined.

February 3th-10th

Drafting and sending of the application for Project Grant.

March 1th-3th 2004 (Trier –Brussels)

Final works in collaboration with the Secretariat in view of the final 2003 report to the Commission.

March 20th –23th

Sending of supplementary documentation concerning the Agis applications.

April 1th-3th (Trier)

Selection of personnel for the functions of Assistant to the Secretariat, as provided by EJTN operational application.

Choice of Miss Leyre Maiso (Law degree, master in European Community Law, English, French and Spanish spoken, relevant previous experience.

April 20th –26th

Sending to the Commission of the final report concerning the 2003 application (in particular, the Audit Report).

Constant communications with the Commission for the purpose of knowing the advancement of our applications.

On April 24th the Unit B5 sent a favourable report to the Agis Committee, asking for the usual written opinion procedure.

On April 28th, the Commission informed the Agis Committee that the request of written opinion procedure was withdrawn.

April 30th (Brussels)

Meeting with KBC Bank personnel in Brussels. Signature of bank transfer order, prepared by the Secretariat, concerning the expenses for the Website development and expenses made by Members, covered by the 2003 Agis funding.

May 14th:

Delegation to the Secretariat for further bank transfer orders.

May, 29th

Discussion with Miss Donatella Ferranti, about the results of the Agis Committee meeting, which she took part in, the day before.

June 9th 2004

Meeting with the Agis Commission, together with an EJTN delegation, for the purpose of deepening the conditions of the 2004 Exchange Programme and the reasons of the above said rejections, assuring in the meantime the Network total availability to implement the future reforms

e) Support to the request of a communitarian instrument for Ejtn

a) Meeting with Commissioner Vitorino

On January 29th, 2004, a meeting has taken place in Brussels with Commissioner Mr. Antonio Vitorino, in representation of the U.E. Jai, and me, acting as S.G. of Ejtn.

The meeting was arranged by the Representative of the Italian Government in E.U. Institutions Mr. Lorenzo Salazar.

It had been asked by me, in agreement with the Secretariat and in respect of the decision of the G.A. held in Rome in December, inviting the Secretary General and the Secretariat to implement initiatives in order to obtain a communitarian legal instrument, allowing Ejtn to better operate.

Members had already made the same invitations to me during the Steering Committee on September 8th, 2003, in Brussels.

Then the time had come to act, not only because a unanimous decision had been made by the General Assembly of Ejtn in its new form as legal person, but also because the first funding from Agis programme had at that moment granted to us and we had then the possibility to show the gap between our capability and the financial support, we can get from the E.U. institutions, with the legal instrument we enjoy at the present.

The E.U. authorities fixed the day of the meeting.

The meeting with Mr. Vitorino took place in a very kind atmosphere, in presence of Lorenzo Salazar and his colleague Giovanni Giacalone.

The development of my intervention was the following:

- 1) Oral illustration of all Ejtn 2003 activities and delivery of a written report.
- 2) Thanks for the assistance by the Agis Programme Representative, in respect of roles and of the autonomy of the Unit concerned (Unit b5) with express mention of the meetings we had with all of them, namely referred to.
- 3) Illustration of the permanent grounds for asking a communitarian legal instrument, as provided by our statutes, furthermore based on the following points:
 - a) Entry of new E.U. members. It's in fact clear that the difficulties our structure will face will be more and more, being obliged to be up to the need of a number of members almost doubled.
 - b) Initiatives to be implemented to face the new training issue, concerning the new Exchange Programme
 - c) The need for permanent structures and a E.U. budget, able to better fulfil the great public interest we anyway aim at, considering that the Agis programme is not up to our needs.

Mr. Vitorino, who showed to be informed about the main issues concerning our present legal status, replied very sympathetically with the need expressed by Ejtn and in particular with the issue presently treated; anyway he could not fail to point out that, when the issue was treated at the level of E.U. Council, many objections were made by Member States to the proposal of giving Ejtn a E.U. public legal form.

In the end, he concluded inviting Ejtn Members to keep their Government informed and sensitive about this issue, giving in the meantime his assurance about his personal sensibility- and also that of the E.U. Commission- to our problems.

According to the suggestions given by Commissioner Vitorino I asked a meeting with the Italian Minister of Justice; the high officer, acting on his behalf, I met, assured that he would inform the Minister of our wish.

All Ejtn Member were kindly invited to consider the same possibility, arranging the meetings they think are useful

- b) Request to the Presidency of the European Council of Brussels (November 5th) aiming at underlining the need for a Communitarian instrument for EJTn.

As related result, the Conclusions of the Presidency of the meeting, have invited the Commission to study a project of EU Council Decision aiming at setting up, from the present structures of the Network, an European Judicial training network as a E.U. body.

f) Promotion of Ejtn in international contest, by the S.G.

1)Participation in the CSM Conference “Money laundering and confiscation” Rome, March, 15th-17th

2)Participation in CSM Conference on Cooperation in civil matters Rome, March 19th-20th

Reports of the S.G. about Ejtn and training needs related to the themes of the conferences.

3) Studies about the communitarian legal instrument for Ejtn (7 Communications to Members about the regulations of Eurojust, Olaf., Europol and Cefpol between February 2th and March 9th).

4)Participation in a meeting of the Italian National Association of Judges and Prosecutors in Venice , February 6: Report of the Secretary General about Ejtn

5)Publication on an Italian legal Review (Diritto e Giustizia n. 13 of April 3rd 2003) about the European Judicial Training Network : “The European Judicial training network was born”

6)February 23th-25th

Six lectures and written reports made in Sarajevo, at the Judicial and Prosecutorial Centre for Bosnia-Herzegovina (Judicial Training Curriculum Development; Curriculum updating; Training about Community Law; Training about Comparative Law; Training about Human Rights; Lesson Design and presentation techniques; Presentation of Ejtn activities

7) Participation in all Ejtn meetings

8) March 16th, Rome, Csm : Meeting with Judge Shlomo Levin, President of the International Organization for the Judicial Training (IOJT); presentation of the Network, acceptance of the invitation to the next meeting in Ottawa; invitation of the Iojt President to next Barcelona Forum.

9) Presentation of Ejtn at joint CSM/ CPS Conference at Rome about European Arrest Warrant)(Rome , February, 11th, 12th).

Pointing out of training needs related to the different systems about EAW F.D.

10) April 20th, 2004: Ejtn presentation and lecture on EAW to Italian Judges and Prosecutors, at a conference meeting, organized by the District CSM Judicial Training Section in Santa Maria Capua Vetere.

11) Support to the American Bar Association as to a judicial training activity in Jordan (request to Ejtn Members to inform about available experts)

12) Recklinghausen 3.5. 04 : Presentation of Ejtn during the international meeting organized by the German Academy of Law in occasion of the accession of new E.U. Members. Participation in a final round table, with an intervention concerning the prospect of judicial training in front of the project of European Constitution.

13) May, 20th, 21th, 2004; Participation in Rome (CSM) General Assembly of the European Network of the Council for the Judiciary.

14) Dublin Working Group Programmes and Website on May 31th and June 1st.

15) Dublin Steering Committee on June 2nd 2004.

16) Meeting with Agis Commission for Exchange programme and Agis further applications, on June, 9th.

17) June 14th and 15th: Participation of the EJTN Secretary General to the EJM meeting in Dublin; presentation and offer of collaboration from EJTN.

18) June 28th –30th 2004: participation in Council of Europe meeting in Chisinau, with the Moldovan Judicial Training Institute and with Moldovan national authorities, for the setting up of a national Moldovan Judicial Centre. Delivery on a report on the Italian Training System.

19) September 13th , 15th: Participation of the S.G. in a Spanish judicial training initiative concerning the Spanish initial trainers. Report to them (oral and written) about :”El Fiscal en el marco de la constitución europea”.

20) September 20th,21th, 2004 chairing and coordination of a meeting in CSM,Rome, with a Russian delegation, aiming at an exchange concerning the Italian training system.

21) October 4th meeting Brussels WG Reforms

22) October 25th meeting WG Reforms (controllare questo)

28) October 28th-29th Eulisis initiative

29) November 16th and 17th Brussels meeting of WG 1 and Steer. Comm.

30) November 17th and 18th participation in Barcelona in meeting of the Ibero American Network; report on European Constitution and EJTN presentation.

31) Participation in all meetings of the Network(WGs and Steering Committees).

32) Drafting of the EJTN Secretary General first Benchbook.

33) Drafting of the 2005 Agis application and 2004-2005 related Agis Reports.

Activities of the Secretariat

The Secretariat has implemented in 2004, like in the previous years, the following activities, hiring for this purpose also an expert for legal and administrative issues, Miss Leyre Maiso, that has, almost full time, under the direction of Mr. Wolfgang Heusel, fully complied with the ordinary administrative duties of the Network.

- 1) Financial administration of the Network.
- 2) Drafting the minutes of the meetings of the Network.
- 3) Dissemination of information to the Members and activities related to the Enlargement procedure.
- 4) Running the Website.
- 5) Drafting the 2004 final budget and 2005 provisional one, the last related also to the 2005 Agis application for operational grant

Rome, 14th December 2004

The EJTN S.G.
Armando D'Alterio



Allegato n° 4
del Documento 28.1.05
G.D.

European Judicial Training Network
The Secretary General

AGIS Operational Grant 2005

EJTN annual activity programme for 2005

1. Preliminary remarks

EJTN is presently an ASBL, formed under the 1919 Belgian Law, and subsequent modifications.

It was composed, before the last General Assembly (The Hague, December 8th and 9th, 2004) of 19 members, of which 15 from the EU member states, one representative from each country, except for Spain (two Spanish members) U.K. (three members) plus ERA, as judicial training centre at European level.

After the last G.A., that have decided the enlargement to new E.U. Members, EITN is composed of 27 members.

Eight new members have then entered EJTN, from 7 new E.U. member states.

In fact, for various reasons, Cyprus, Estonia and Slovakia have not entered EJTN. ¹

Each member state has equal powers in the Network, each member state represented in the EJTN having six votes to be allocated as they see fit (art. 11.2 of Articles of Association; hereinafter referred to as AoA).

The most important EJTN aims for 2005 are:

- 1) Implementation of the process, already started in 2004, aiming at demonstrating full operational financial capacity, that will have be achieved already in 2004, thank to modifications of its structure and rules adopted inb the last G.A.
- 2) Assuring the full involvement in 2005 activities by the new member institutions that have joined the EJTN at the next G.A., at the end of 2004.
- 3) Assuring the coordination of EJTN judicial training activities (member partnerships and EJTN partnerships in members' activities in relation to EU applications under the programmes for civil and criminal matters; among others: ENM/EJTN Exchange Programme second call, Section A); CSM/EJTN Exchange Programme first call, Section C.
- 4) Assuring the continuous updating of the EJTN Website.

From the operational point of view, the European Judicial Training Network, in its present structure, is developing the perspective of achieving the legal status of a European Institution,

¹ In fact, representatives from Cyprus have withdrawn their candidature, due to financial problems; the Estonian law centre has not applied, while the Estonian prosecution Centre, pursuing to art. 7 of the Articles of Association, was not admitted as member, but only as observer (the Prosecution Office in Estonia is not part of

in line with the EU Presidency Conclusions of the Brussels November 5th European Council, in further evolution of the previous Luxembourg Conclusion of the Presidency of EU, inviting EU institutions to support EJTN also in its present private organisation.

The latest conclusions read in fact:

“...networks of judicial organisations and institutions, such as the network of the Councils for the Judiciary, the European Network of Supreme Courts and the European Judicial Training Network, should be supported by the Union.

Exchange programmes for judicial authorities will facilitate cooperation and help develop mutual trust. A EU component should be systematically included in the training of judicial authorities. The Commission is invited to prepare as soon as possible a proposal aimed at creating, from the existing structures, an effective European training network for judicial authorities for both civil and criminal matters, as envisaged by Articles III-269 and III-270 of the Constitutional Treaty”

In line with the need to create a stronger structure, but just from now and in the framework of the present legal instrument of private law (1919 Belgian law governing the ASBL and subsequent modifications) the Network, in line with various unanimous decisions of the EJTN Steering Committee (at meetings in Dublin, June 1, Brussels, October 4 and November 5, 2004) has complied with the Steering Committee’s unanimous recommendation to set up an EJTN financial fund and an administrative centre, independent of its members.

In fact, as already anticipated, these issues have been decided in the first day of the next General Assembly in The Hague, December 8th 2004.

This reform have taken account of the grounds for the rejection on June 29th and 30th, 2004 of the EJTN AGIS applications for operational and project grants, and also of:

a) The “Council Regulation no.1605/2002 of 25 June 2002 on the Financial Regulations applicable to the budget of the European Commission”, art. 109 (principle of transparency).

b) The “Commission Regulation no. 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Erratum) N. 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, art. 173 (existence as a legal person and financial and operational capacity); art. 176 (existence of stable and sufficient sources of funding).

There is no doubt that this rules applies to EJTN, in the light of the joint consideration of art. 108 of the Council Regulation and art. 162 of the Commission Regulation.

Obtaining further funding from the AGIS call for application for operational funding

While EJTN will be ready to start its 2005 activities (its own financial fund in course of being set as decided, together with the hiring of premises and personnel in the administrative centre to be set up in Brussels) a further 70/% co-funding from the EU Commission AGIS Programme is needed both for these activities and for financing the meetings of its bodies and working groups, interpretation expenses, website running and development expenses, travel and subsistence expenses (see the attached budget).

Many of these activities will be implemented by the member institutions, being held in their premises, with their own staff and facilities; this will happen, as usual, for meetings of the operational bodies and working groups, and also for the website expenses; in this case, the member institutions will invoice EJTN for the expenses incurred for activities provided in the budget.

This is perfectly in line, on the one hand, with the character of a network, that profits from the professional capability of member institutions, and on the other hand, with its status of legal personality, that must permit it to work as an entity independently of its members.

2.EJTN structural organisation and activities

Ordinary EJTN activities, as well as the important tasks of setting the administrative and operational goals and means, and the control of the administration are determined by EJTN bodies and working groups.

These are the following:

- a) The General Assembly
- b) The Steering Committee
- c) Three Working groups
- d) The Secretary General, assisted by the new administrative centre, independent of its members and acting under the authority of the S.G.

A) The General Assembly

The General Assembly, formed by representatives of all EJTN MEMBERS, is the body endowed with all the powers necessary to implement EJTN aims and activities. According to art. 10 of the AoA, it may modify the statutes, is competent for appointing the other Bodies and EJTN Working Groups and for determining the Network's policy and activities, and approves its annual budget.

The G.A. meets at least once a year, and is chaired by the member institution of the EU member state holding the EU presidency at the time.

As already indicated in the AGIS application form, the last 2004 General Assembly has taken place on December 8 and 9 in the Hague, under the Dutch presidency.

Of course the activity of this G.A. is not included in this application, which relates to activities that will be implemented between January 1 and December 31 2005; but it is worth mentioning, because during this G.A. important decisions have been taken, which are fundamental for the future of EJTN, and will have a great impact on EJTN, from 2005. In fact, the last 2004 G.A. has decided the enlargement to new E.U. Members, opening membership to new EU judicial training institutions and, directly related to this application, has approved reforms aiming at assuring the financial and operational capacity of the Network; it has discussed the activities and given directions on other EJTN bodies. Furthermore, the G.A. has elected new bodies and working groups (appointment effective from March 14th, 2005, at the end of the two years term of office of the present bodies). Reforms have been facilitated by comprehensive studies made during the last months in an ad hoc "Reforms" working group, chaired by the SSR, Netherlands, that has prepared complex reform proposals as to EJTN's administrative structure. Further studies have been made by the Belgian CSJ, aiming at improving the financial capacity of EJTN, in particular providing for financial contributions from members to EJTN, according to complex calculations based also on the gross national income of member states. Both proposals have been approved by the General Assembly.

On the issue of enlargement, I would like to point out that, for the purposes of ensuring full involvement of new members and to make their accession easier for 2005, they have had full voting rights in the G.A., both active and passive, while their financial needs have been widely taken in consideration in determining the membership fee levels.

The next General Assembly meeting, that will take place in late 2005 (probably on December) is however included in this application and in the attached budget, which shows the estimated number of participants, and the related expenses, both for interpretation, and for travel and subsistence allowances. This meeting will make initial evaluation of the activities of working groups and new bodies of the Network, in particular looking at whether the reformed structures have worked, with a view to approving new directions and modifications of statutes, where necessary.

B) The Steering Committee

According to art. 13 of EJTN i.e., this body assists and advises the President and directs the Secretary General. It may make proposals and institute initiatives which may be necessary between meetings of the General Assembly and which will then be referred to it.

The activities and competencies of the Steering Committee have been valuable in 2004 for the purpose of facing the need to reform EJTN, in line with EU Council and Commission Financial Regulations.

Members of the Steering Committee, since March 14th 2003, have been the High Council for the Judiciary (Belgium), Finland, the Ecole Nationale de la Magistrature (France), Germany, the Judicial Studies Institute (Ireland), the Judicial School (Spain) and the Judicial Studies Board of England and Wales (United Kingdom).

They will be in charge until March 14th, 2005, when the new composition of the Steering Committee, as adopted in The Hague General Assembly, will involve institutions from the following EU states: Belgium, Germany, Ireland, Italy, Holland, Portugal, Spain (Centro de estudios juridicos) U.K., Era.

Also the EJTN members representing EU member states holding the previous, current or next presidency of the European Union are invited to attend the meetings of the Steering Committee.

For the Steering Committee, as well as for other bodies and working groups, the reform adopted by the said G.A. has increased the term of office to three years, for the purpose of providing greater continuity in the implementation of EJTN activities.

For 2005, the present AGIS operational application foresees four one-day meetings of the Steering Committee.

In particular,

- 4 meetings of the Steering Committee will be held in January, April, September, November 2005.

The first meeting of the StC (January 2005) will consider the conclusions of the Hague General Assembly and steps to implement the new administrative and financial structure of the Network.

The second meeting of the St.C. (April 2005) will constitute the new Steering Committee elected in The Hague in December 2004. It will evaluate progress in setting up the EJTN financial administrative structure and the results and perspectives related to the decision concerning the present application. It will furthermore monitor the transition from old to new Bodies, after the 2004 elections, which will become effective as from 15 March on.

A third St.C. meeting will take place in September or October 2005, to evaluate the timetable implementation and organisational development of EJTN activities related to the Exchange Programmes run in partnership, and the organisational and operational issues that will be focused in relation with the EJTN enlargement decided by the last G.A. meeting in The Hague.

A fourth St.C. meeting will take place in November 2005, to prepare the 2005 meeting of the General Assembly; it will also consider the 2005 draft administrative budget.

The next 2005 General Assembly meeting, that will take place in late 2005, will make a first evaluation about the activities of WG and new Bodies of the Network.

The provision is that one delegate of each member of the Steering Committee, the members of previous, present and future EU presidencies (3) and the Secretary General, assisted by personnel of the administration (2) take part in the meetings of the committee.

The hosting institution will not have these expenses, while for the participation of the S.G. in EJTN activity a different budgetary line is provided.

C) The Working groups.

Since the General Assembly in Thessalonica, in March 2003, three working groups have been working in the areas of programmes, website, and external relations.

D) The Working group “Programmes” (WG1)

The activities of Working Group 1 will be mainly focused on the results of the Exchange Programme Section A and B activities, promoted respectively by ENM and CSM, in wide partnership with many EJTN Members. Obviously, the core and strictly necessary part of these activities will be discussed, decided and implemented in the meetings already envisaged in those separate applications, but it will be of course important that a further contribution to these activities be given by WG 1 and WG 2 (Website) and that further information and outcomes be given to the many members who are not partners in these projects, and in particular to the institutions acceding in December 2004. This will permit better preparation for participation in the Exchange Programme for the following year, given that the experience of 2005 Exchange Programme should be the basis for a new launch of the same Programme in 2006, which is already envisaged by the EU Commission on a wider basis and building up on the experience of the first programme.

An important activity also implemented in the framework of EJTN and deserving of further deepening in the areas of both providing information and disseminating results for new members and of ensuring their collaboration is the project of a European Forum on training methodologies and contents (it is part of the Exchange Programme, Section C) aiming at deepening the issues and concerning the training of trainers:

Programme Working Group 1 will continue to enhance furthermore the activities run under the rubric of “Open Actions”, which relates to the opportunity to take part in national training activities for judges and prosecutors of member states other than from the various organisers, and selected according to the implementation module discussed and approved by the EJTN (to date, more than 80 training activities have been listed, with additional interpretation, travel and accommodation expenses completely covered by members; in fact, although the 2004 AGIS 151 EJTN application for financing the Open Actions was rejected (decision communicated on June 30) due to EJTN’s lack of financial capacity, the project has continued under the conditions originally agreed, but without the expected EU support.

It should be emphasised that the EJTN has always responded to the signals from the EU since the first milestone of Tampere, which urged the setting up of the network, and the subsequent Conclusions of the Luxembourg European Council on June 4 and 5, inviting EJTN to experiment with the private instrument adopted under Belgian law. Continuous support was promised on all these occasions and since the first setting up of EJTN in 2000, with the Bordeaux Charter, and in these five years funding was only granted for 2003.

The other issues that will form the major part of Working Group Activities will then be decided in the G.A. These are likely to be activities in the general framework of normal EJTN activities such as analysis and identification of training needs, developing training programmes (curricula) for the members of the European judiciaries in the areas of judicial cooperation, with the particular focus already given to EU institution such as Eurojust and EJM.

These activities will be in particular the setting up of member partnerships in training activities relating to international cooperation and the diffusion of knowledge, best practice and judicial experiences, comparative issues between European legal systems, now of further interest and complexity in the light of enlargement, operational since the beginning of the 2005 financial year (January 1, 2005, to December 31, 2005).

Considering the complexity of these purposes, a specific working plan has been for the first time approved by the last G.A., on the basis of the proposal made by the new WG1 convener, in charge from March 2004 (Spain, Escuela Judicial).

The French Ecole Nationale de la Magistrature has been convener of the working group on programmes, and has acted with the full collaboration of the other members, the High Council of the Judiciary (Belgium), the Danish Court Administration, the ERA, Finland, Germany, the CSM (Italy), the SSR (the Netherlands), the Spanish Judicial School and the Judicial Studies Committee of Scotland (United Kingdom).

The new composition of WG1 will be, from March 2004, of 12 members: Spain (Escuela Judicial, Barcelona, as convener) Belgium, Denmark, Finland, Era, France, Germany, Greece, Italy, Holland, Latvia, CEJAJ (Madrid).

- 5 meetings will be held, relating to Working Group 1, in January, April, June, October and November 2005.

Five two-day meetings of the working group will be held in 2005 relating to the five areas covered by its activities (one meeting for the Exchange Programme Section A, one for the Exchange Programme Section C, one for Open Actions, two for coordination of partnerships in civil and criminal EU programmes).

As to the budgetary provisions, the hosting member is excluded, while for the S.G. a different budgetary line is provided.

The further WG 1 Action Plan, presented by the Spanish Convener, approved by the General Assembly, is the following.

2

CANDIDATE'S PROGRAMME PLAN

Suggested issues:

- To consolidate and facilitate the exchange of Judges through the open activities list of the different Judicial Schools or other training bodies for Judges of each country;
- To facilitate and speed up, in coordination with the Secretary General, the obtaining of European Union subsidies for the carrying out of the said activities;
- To collaborate with the Secretary General in order to obtain the institutionalisation of the Network;
- The planning and implementation of specifically European courses, carried out with Community funds and directed at the totality of the Judges of the 25 countries; and

- To dedicate special attention to promoting and stimulating the participation of the Judicial Schools or other training bodies for Judges of the ten new members of the Network in all the activities of the EJTN.

Contents of activities: Training courses with European or supra-national content, open for all Judges of the Union through the member bodies of the EJTN.

Organization of work: The Judicial School will organise an administrative working team to back up the actions of the Convener, made up of technicians and administrative staff, in addition to those in charge of the Network. The Juridical Studies Centre of the Justice Ministry, which is in charge of the training of Prosecutors, is going to collaborate closely with the Judicial School in this task.

EJTN Visibility: The Spanish Judicial School has a really important position in the Ibero-American Network of Judicial Schools (Red Iberoamericana de Escuelas Judiciales). That position shall allow to strengthen the position of EJTN.

E) The Website Working Group (WG 2).

The EJTN website is hosted and administered by the Secretariat which at the moment is run by the ERA. The approved reform will involve further expenditure for moving the website to the new independent administrative centre while the enlargement to new Members results in language development expenditures. Considering that the website is fundamental both for the dissemination of results related to the Exchange Programme Section A and the Exchange Programme Section C, and in particular in relation to the Forum on judicial training methodologies, two meetings of one day each will take place in June 2005 and in November 2005.

Members of the website working group are for 2004, as for 2003, the Judicial Studies Board of England and Wales as convener, the Italian CSM, the ERA and Slovenia as an observer, a total of 4 members.

Members for 2005, from March 14th, will be 5: Italy as Convener, then Portugal, Spain, UK and France.

On this basis the budgetary provisions have been drafted, excluding the hosting institution, adding the assistant of the S.G., while for the S.G. a separate budget line is provided.

The action plan presented by the Convener (Italy, CSM) has been approved by the General Assembly.

D) The Working group External relations (WG 3)

CANDIDATE'S PROGRAMME PLAN

Contents of activities

During the Working Group meeting of 27th February 2004, in Barcelona, several priorities were discussed as being important future tasks of the Working Group III "External Relations":

- Relations with the Lisbon Network;
- Definition of links and relations with the RIAEJ;
- To work on possible relations with Norway, Iceland, Switzerland and Liechtenstein;
- Special attention to relations with the countries candidates Turkey, Romania and Bulgaria;
- Development of cooperation with countries like Russia and Ukraine.

Considering these main guidelines, the Applicant Institution believes that one must act towards the implementation of the following objectives:

- Development of the EU priority of creation of an area of Freedom, Security and Justice, specially in the judiciary activity in civil and criminal matters;
- Development of the principle of mutual recognition and execution of judicial resolutions, also as a way of implementing the area of Freedom, Security and Justice;
- Improvement of use of international instruments already existing, in a way to enhance effectiveness of the judiciary criminal and civil cooperation within the EU;
- Definition of minimum standards concerning the harmonization of legislation from the different countries;
- Promoting training for third-party countries, and in particular candidate countries, as an essential means of improving the efficiency of judicial systems and of reinforcing the rule of law, as mentioned in the Preamble of the EJTN Charter (final version adopted in Copenhagen).

Always bearing in mind the importance of keeping a close relation with the other Networks (specially Lisbon Network and RIAEJ) and third-party countries, this candidature focuses its proposed activities in the relations with the country candidates Turkey, Romania and Bulgaria. For that purpose, we propose to develop and coordinate activities to reach the following goals:

- Increasing the professional qualifications of judges and public prosecutors, such as the knowledge of substantive law, standards of judicial conduct, rules of procedure, skills and working techniques in the judiciary.
- Developing the capacity for further training activities by/for judges and prosecutors, using the techniques of training of trainers, with special relevance to the methodological and pedagogical expertise in order to solidify their skills and provide them practical experience.
- Creating written materials to support practical training, using informatics and other new technologies as a research and spreading source.
- Promoting exchange programs within the judiciary that will allow judges and prosecutors to visit courts of EJTN Members and their judicial training schools, for the main purpose of observing their proceedings and sharing experiences.

2

Organization of work

In order to perform the proposed activities related to the candidate countries, as above mentioned, this candidature considers essential the organization of seminars, courses and preparation, publication and distribution of materials. The seminars and courses will involve the participation of experts from the EJTN members. Furthermore, and within the scope and legal framework of EJTN, the involvement of non-for-profit organizations for international legal cooperation may be considered.

For the preparation and co-ordination of such activities, we propose the creation, within the WG III, of a team for each project, headed by a team leader.

EJTN Visibility

The contacts with Members of the Lisbon Network, as well as with other judicial training institutions and representatives of the European Judiciary allow the EJTN to increase its range of information about other national legal systems and training methodologies. At the same time, such contacts contribute to intensify EJTN visibility as a training structure with real European dimension.

External qualified relations are a decisive contribute to spread EJTN visibility and to exchange and enrich professional experiences in the domain of judicial training.

Considering the activities of WG III, and bearing in mind that these are always initiatives decided in the framework of EJTN, visibility has to be considered on the following aspects:

- Disseminating activities on appropriate format, referring the EJTN logo in the headline.

- Using the EJTN website to diffuse WG III activities and circulate initiatives among other judicial training institutions through the EJTN Secretariat.
- Disseminating activities and study reports made by the WG III in the framework of the Network, by editing them in law reviews or other publications produced by training institutions of EJTN member countries.
- Increasing the Secretary's role on the opening ceremony of all the programmes executed under EJTN initiative and/or framework.

Continuity of activities provided by art. 4 of our Articles of Association

The goals and tasks proposed by this candidature and referred to in items "Contents of activities" and "Organization of work" are crucial for continuing the activities mentioned at art.4 of Articles of Association, with special relevance to the exchange and dissemination of experience in the field of judicial training, creation of programmes and methods for collaborative training (with particular use of new technology) and provision of expertise and know-how to European and other national and international institutions. Also in this particular

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field, and when appropriate, it is essential to intensify the involvement of the Council of Europe's Lisbon Network, namely by its participation in joint initiatives and programmes. Particular contacts that EJTN Members already maintain with the Lisbon Network will be a relevant tool for the establishment of a regular and stable cooperation between the two Networks.

Granting continuous and complete information to Members

On the one hand, sharing information among Members is essential to guarantee that EJTN activities fulfil their purposes and that all Members represented have the chance to cooperate in those activities.

On the other hand, it assures a better planning of future activities.

Information on new activities to be developed in the framework of the EJTN, and report on activities already carried out, must be centralised on the bodies of the Network, namely the Secretary General and the Secretariat, since they have the appropriate means to reach all the Members. As often as possible, new technologies should be used in this task, either by e-mail corresponding or by publicising on the EJTN website.

Getting continuous collaboration from Members

The work that will be developed by Working Group III presupposes that all initiatives are undertaken collectively by the Members, e.g. through the team created for each project, and not individually by each Member.

In this context, developing exchange programmes as proposed above, and already successfully performed by some of the Members, will enhance a more active and permanent involvement of the Members in the WG III activities.

Being so, the involvement and collaboration from all the Members is a natural outcome of the activities of the Working Group III.

Getting and disseminating results of activities

Results of activities may be analysed by creating a standard questionnaire to evaluate those activities, which would then be adapted to the specific needs of each project.

After making the appropriate data treatment, those results would be circulated among all Members (via Secretariat).

The activities of the working group external relations are now freed from the most important and challenging task, the procedure of accession, for which the meeting last year was really very important (Barcelona, February 27, 2004). Important decisions were taken on main issues such as: selection of candidates, best procedure for the invitation to apply and, for the subsequent applications; accession criteria.

Activities will continue to develop relations with other European countries and judicial networks, in particular with the new Bureau heading the Lisbon Network; further relations with countries and networks acting outside Europe will be developed, with particular reference to the Iberoamerican network and similar organisations that have shown interest in developing contacts and relations with the EU and its judiciaries. The collaboration already existing between the new members before accession with third countries and institutions will further widen the perspectives of WG3.

At least two meetings will be necessary for WG3 (January and November 2005).

The convener of this working group for 2003 and the beginning of 2004 have been the Spanish Judicial School. Other members include Austria, the High Council of the Judiciary (Belgium), Germany, the Greek Judicial School, the CSM (Italy), the SSR (the Netherlands), Domstolsverket (Sweden) and the Judicial Studies Board (England & Wales), a total of 10 members.

The number of Members from March 14th decreases to seven.

On this basis travelling and accommodation costs for 7 delegates (apart from the convener and plus the assistant of the S.G., in charge of drafting the minutes) have been allowed in the budget.

E) The Secretary General, his secretariat and EJTN's own funding.

The Network has been in this years coordinated and administered by a Secretary General and, for the financial administration, by a Secretariat. From January 1st, the Secretary General, according to the reforms of the Articles of Association approved in The Hague General Assembly, will be the only body responsible for the financial and operational administration of the network while the Secretariat is abolished as independent body (see new article 17 of AoA).

The setting up of the secretariat as a mere administrative centre, replacing Era, staffed by two people, one of them full-time (see the attached budget) and all of them operating under the direction, control and responsibility of the S.G., will in many ways widen the activities and competencies of the S.G., while strengthening the operational and financial capacity of the network, mainly from the point of view of the formal independence of the administrative centre from EJTN members, as required by the EU Commission.

Consequently, premises will be very soon hired in Brussels, where the secretariat (in the new conception above underlined) will seat permanently, operating under the direction of the Secretary General.

Furthermore, EJTN has been provided, in consequence of the reform approved by The Hague General Assembly, with its own funding, originating from the compulsory memberships fees paid by members. This financial fund set in this way will be used to cover the operational costs of the association. The annual membership fee shall be determined annually by the G.A., on a proposal from the Steering Committee, on the basis of the gross national income of the European Union Member State to which the members belongs and according to the association's needs. This membership fee will not exceed the sum of EUR 20.000 per EU Member State represented in the association.

Thus, for 2005, the EJTN fund will reach the amount of EUR 156.000.

The Secretary General takes also part, on behalf of EJTN, in meetings with EU institutions, and also attends meetings of the EJTN bodies. A special budget line for 20 international trips of the Secretary General has therefore been created.

G) The Website

The funding requested relates to the commitments to the Provider, while a further sum of 5000 euro has been allocated in relation to the further implementation needs for the website connected with the new Exchange Programmes. Further funding is requested for the Website language development, consequent to the enlargement to new EU Members.

H) The Budget

The provisions for costs to be born by EJTN are partially covered by the grant requested from the EU, and partially by contributions from members as well as from the new EJTN fund.

While the main part of members' contributions comes from the institutions that will cover the salary of the Secretaries Generals in the period concerned(CSM, Italy until March 14 2005, ENM France, from March 15th 2005) a further part is a proportion of the travel costs and daily accommodation expenses and subsistence allowances which are directly paid by members.

The 30% own contribution from EJTN, in the budgetary provisions, will entirely be covered by the total EUR 156.000 contribution by Members for 2005, even though some of the members will be granted of a further deadline (31 March 2006) for the payment of the 2005 fee obligation.

I) Further focus on some EJTN activities

As suggested by the communication of the grounds for the rejection of the last EJTN application for operational grant, the Eجتn activities related to EU forms of funding have been run under the form of partnerships in the Exchange Programmes.

EجتN is of course in charge of a role of coordination, support and dissemination of the results, also through the Website (as from decisions taken in WGs and from the partnership applications related to Exchange Programme Section A and C).

This is the main content of the Exchange programmes.

The Exchange Programme for the Judiciary (Section A of EU call for application).

The programme will be implemented, if it is approved by the European Commission, by the French National School for the Judiciary (ENM) as promoter, in partnership with the EJTN and several of its members.

The project proposed by the ENM comprises four main activities:

- the implementation of a feasibility study on the development of exchanges for members of the judiciary in Europe,
- the setting up of exchanges on a small scale,

- the design of teaching tools,
- meetings of the working group “programmes” relating to the exchange programme for the judiciary.

1. Feasibility study

The study will be conducted throughout 2005. Its aims are to identify relevant contact points in each country to follow the exchange system in Europe, which regulations should be applied, if they are appropriate or if modifications are required and possible, how and when training periods can be inserted in training courses, which is the most suitable institution to develop such exchanges, what main target group should benefit from these training periods, what are the best training venues, what linguistic and technical media are necessary ... The study will also result in the standardisation of documents relating to exchanges (trainees selection procedure, practical handbook for trainees...)

The study will be the subject of a progress report in June 2005, which will be submitted for observations by EJTN members, as well as a final report at the end of 2005. It will be submitted to a monitoring group including the director of the ENM or his representative, the EJTN Secretary General and representatives of the groups "programmes" and "website" of the EJTN. At the end of 2005, the project includes a meeting of this monitoring group with all the partners and contact points “exchanges” in order to assess the results of the feasibility study and the first results of the training periods throughout Europe. This seminar of 75 people will allow all partners to draw lessons from the programme and to make recommendations.

2. Exchanges

The ENM suggests starting training periods for **200 members of the judiciary or future members of the judiciary** in Europe in 2005. In order to ensure an efficient handling of the exchanges, each Member State will be asked to nominate a contact point “exchanges”.

2.1 Sending of 100 French trainees (50 "auditeurs" and 50 actual members of the judiciary) to European courts

It is suggested to send two French "auditeurs" (future members of the judiciary) and two French members of the judiciary to each member state. This figure may be adjusted depending on receiving capacities of each of the 25 member states.

The length of the training period for "auditeurs" has been set at up to 10 weeks whereas the one for judges and/or prosecutors has been set at up to 3 weeks. According to the receiving capacities of the different courts, the 10-week training period of “auditeurs” may take place in different courts.

Applicants, both "auditeurs" and members of the judiciary, will be selected in view of their training project and their language abilities (command of the language of the receiving country or a common communicating language). Trainees will also be selected according to their judicial experience and their motives (each training application should be accompanied by a motivation letter).

The "auditeurs" and members of judiciary selected will be expected to take part in the judicial activities of the receiving institution and draft a report after their training period. They will also be asked to draft an abstract of their report for posting on the EJTN website.

2.2. Reception in France by the ENM and French courts of 75 trainees

2.2.1. Reception of 25 European future members of the judiciary

Some countries will be given the opportunity to send to France some of their future judges or prosecutors with a good command of French so that they can benefit from in-depth exchanges with French "auditeurs" at the ENM and from training in court. Those countries without a specific initial training system may send young professionals with up to 1 or 2 years of professional experience.

The training period should last 3 weeks (end of June-beginning of July): one week at the ENM in Bordeaux with French "auditeurs", followed by two weeks in court.

2.2.2 Reception of 25 European judges and/or prosecutors

It is suggested to try out two different methods:

- one consisting of a common reception week at the ENM with an introductory course to French judicial institutions and a linguistic refresher course and followed by a 2-week training in court.
- the other, aimed at judges and/or prosecutors with sufficient knowledge of the French judicial system and of judicial language or having a training subject detailed enough, consisting only of a 3-week training in court.

For each of the two methods, each member state will be asked to select one member of its judiciary to send to France. The selection will be made according to linguistic criteria (sufficient knowledge of French to follow judicial proceedings) and motivation (each training application should be accompanied by a motivation letter).

Trainees will be requested to provide a report within two months of completing training. They will also be asked to draft an abstract of their report for posting on the EJTN website.

2.3. Exchanges of a maximum of 24 non-French judges and/or prosecutors outside France

The ENM proposes, within the framework of the programme, to give the opportunity to non-French judges and/or prosecutors to undergo training in court practices outside France. The ENM will collect and select a maximum of 24 applications in cooperation with its partners, the members of the working group "programmes" of the EJTN. Training periods will last 3 weeks. Sending and receiving countries will specify a common working language, the receiving court and the topic of the training period. The ENM, as promoter of the project, proposes to undertake administrative and financial management of these trainings (purchase of the ticket and payment of per diems).

Trainees will be requested to provide a report within two months following completion of training. They will also be asked to draft an abstract of their report for posting on the EJTN website.

2.4. Exchanges of 15 judges and prosecutors of Supreme Courts

The French Cour de cassation offers to send 6 of its members to complete a 3-week training period in a European Supreme Court and in return offers to receive 9 judges or prosecutors of the European Supreme Courts over the same period.

Trainees will be requested to provide a report within two months following completion of training. They will also be asked to draft an abstract of their report for posting on the EJTN website.

2.5. Exchanges of 12 trainers

In order to improve cooperation between training institutions and to develop exchanges of trainers, the ENM offers to implement, within the framework of the EJTN, a 3-week training period for 6 European trainers at the ENM and to send 6 of its trainers over a 3-week training

period to another European institution. Trainees will be requested to write a report at the end of their training period.

3) Design of teaching tools

In order to improve the operation and performance of the exchanges, the ENM suggests to study and design, in cooperation with EJTN members, teaching modules allowing trainees to improve their knowledge of judicial systems and the legal language. The ENM offers to study the design of judicial language teaching tools accessible online. It offers to test these tools, notably as a preparation to the training period.

The project will also provide on-line all reports relating to the programme (trainees' reports and progress reports).

4) Meetings of the working group "programmes" relating to the exchange programme for the judiciary

Monitoring of the progress of the feasibility study as well as the exchanges of 200 judges or prosecutors will be discussed within the scope of three technical meetings in order to monitor the system, held at the start of the programme in January 2005, at the half-way point in June 2005 and at the end of it, in November 2005.

These meetings will be held within the framework of the EJTN working group, group members will meet over three days and each time the third day will be opened to the 25 contact points of the programme in each member state.

L) The Exchange programme Section C (Forum on Judicial Training Methodologies)

This will be held in Rome, on January 31 and February 1, and will offer a wide and deep analysis of training methodologies and contents. The conference will be based on separate workshops, whose activities will be recorded, filmed and then put on the EJTN Website. It will involve the following subjects:

1. Objectives of the training of judges;
- 2) Contents of judges training programmes;
- 3) Definition of training needs;
- 4) Methodologies;
- 5) Evaluation;
- 6) Practical organisation of training.

Further meetings will be held for the purpose of evaluating and deepening the results of the previous activity; this phase will conclude with a final two-day conference aiming at developing and consolidating the result of the previous activities.

M) Further relevant data

As to the number of persons reached by the activities, in general and in relation to member states and acceding countries (as requested in points 2.2.3 and 2.2.4 of the AGIS 2005 application form for operational grants but only for the Exchange Programme, section A, it is already possible to give a precise indication, i.e. 216, this being the number of members of the Judiciary to whom the Exchange Programme is open. While Section C of the Exchange Programmes is particularly aimed at judicial trainers, it is also the case that all EU judges and prosecutors will be able to benefit from all EJTN initiatives, through the dissemination of results on the EJTN and member institutions Websites, and the direct distribution of documentation by the same members.

N) Final remarks

As already remarked above, EJTN has dealt with the financial crisis following the decision not to grant any funding for 2004 by the European Commission, in the most responsible, coherent and dynamic way, demonstrating that it is equal to the great expectations and consideration coming from the European Institutions.

Programme Working Group 1 and all EJTN Members have continued to develop the activities run under the rubric of “Open Actions”, involving to date more than 80 training activities, with additional interpretation, travel and accomodation expenses completely covered by member institutions, despite the rejection of the 2004 AGIS/151 application, which aimed at obtaining EU support for this activity.

It should be emphasised that the EJTN has always responded to the signals from the EU since the first milestone of Tampere, which urged the setting up of the network, and the subsequent Conclusions of the Luxembourg European Council on June 4 and 5, inviting EJTN to experiment with the private instrument adopted under Belgian law. Continuous support was promised on all these occasions and since the first setting up of EJTN in 2000, with the Bordeaux Charter, and in these five years funding was only granted for 2003, for reasons independent of the good will of members, simply related to the new and economically very difficult task of working as a network and as a legal person for the time being, for institutions that must as always carry the heavy burden of national judicial training activities.


The multi-annual JHA Conclusions of the Brussels European Council envisage the setting up of a new European instrument for EJTN and call for further support for EJTN from the European Commission.

It is the common hope of members that EJTN has been able to show that it has fully deserved this support, both by the ongoing reform procedure and with the contents of its activities.

With the highest expression of regards.
Rome, December 14th 2004

The EJTN S.G.
Armando D’Alterio



Allegato n°5
al verbodato 28.1.05


EUROPEAN JUDICIAL TRAINING NETWORK
-AISBL-

Legal seat: Conseil Supérieur de la Justice, Avenue Louise, 65, boîte 1, 1050 Brussels.

THE SECRETARY GENERAL

Request of availability for the activities of:

- 1) Administrator, full time
- 2) Assistant, part time

The personnel shall be engaged for one year, renewable. The working place will be the secretariat of the EJTN in Brussels, that will be set up by April 2005.

The European Judicial Training Network (EJTN) is an Association of 27 national and international Institutions of E.U. member states in charge of judicial training, whose objective is the coordination of judicial training activities, in the light of the E.U. aims and guidelines.

Administrator to the EJTN Secretary General

Job description

Under the direction of the Secretary General, he/she shall grant:
the assistance to the S.G. in the activities related to the administration and accounts of the Network;
the carrying out of the organization and final setting up of the new Ejtn Secretariat in Brussels;
the setting up and updating of the archive of Ejtn documents and correspondence;
the preparation of the activities of the network's bodies (Steering Committee, Working Groups and General Assembly); the drafting and the filing in the Website of the related minutes;
the contacts with Members and the information to them;
the assistance to the S.G. in the preparation of applications related to the judicial training programmes issued by the European Union;
the responsibility for the EJTN Website and its updating.

Requirements

A degree in law or economics (or similar disciplines) is required.
He(She) shall then have sound skills in administration and accounts.
Computer skills are required (Outlook, Internet, Word, Excel, Powerpoint and skills for Website inputs).
Knowledge of European law and professional working experience in an international environment shall be highly appreciated.
He(*She*) should be fluent in the two working languages of the EJTN (English and French).
Knowledge of any further E.U. language will be highly appreciated.

Citizenship of one of the EU Member States is required

The monthly gross salary will be 4000 Euros.

Assistant

He/She, under the direction of the Secretary General and of the Administrator, shall be in charge of the secretariat activities, assist the Administrator and the S.G. in their activities; he/she shall have computer skills and fluency in English. Further fluency in French will be highly appreciated.

Citizenship of one of the EU Member States is required.

The monthly gross salary will be 1500 Euros.

Those who meet the above requirements are invited to send us a motivation letter including their CV and accompanying documents before February 28th, 2005.

This letter shall be sent both by ordinary mail (with any attachment) and by email (even without the attachments, but with the indication of its contents) to the following addresses:

a) Ordinary mail to:

European Judicial Training Network, The Secretary General *dr. Armando D'Alterio*,
c/o Academy of European Law Metzger Allee 4, D-54295 Trier (current EJTN Secretariat)

b) E-mail to the following two addresses:

ejtn@ejtn.net ;

Gilles.Charbonnier@justice.fr;

The Secretary General
dr.Armando D'Alterio

Allegato n° 6.
di risoluzione 28.1.05
M.