



**Réseau Européen de Formation Judiciaire
European Judicial Training Network**

"PROGRAMMES" WORKING GROUP

**Minutes of the meeting of 14 & 15 November 2005, in Paris,
At the French National School for the Judiciary**

Secretary General of the EJTN

Gilles Charbonnier

EJTN Secretariat

Aude Magen
Quentin Balthazart

ATTENDING MEMBERS :

Spain

Escuela Judicial de España, group convener

Alejandro Saiz Arnaiz
Felix Azon

Germany

Justizministerium Nordrhein-Westphalen

Gabrielle Morawitz

Belgium

Conseil Supérieur de la Justice/
Hoge Raad voor de Justitie

Jacques Hamaide
Dave Warson

France

Ecole Nationale de la Magistrature

Eric Severe-Jolivet
Sylvie Ceccaldi-Guebel
Jean-Louis Casanova
Michel Allaix
Colette Martin-Pigalle
Stéphanie Ougier

Italy

Consiglio Superiore della Magistratura

Silvia Coppari

The Netherlands

Studiecentrum Rechtspleging

Vincent Smink

ERA (Academy of European Law)

Jean Philippe Rageade

OBSERVER

Portugal

Centro de Estudos Judiciarios

Helena Bolieiro

EXCUSED MEMBERS :

Denmark

Domstolsstyrelsen

Anders Meilvang

Latvia

Latvian Judicial Training Center

Solvita Kalnina

AGENDA

Monday 14 November 2005

- 10.00** Approval of the minutes of the « programmes » working group on 4 and 5 September 2005 in Riga
- 10.15** Report of the Secretary General
- 10.30** Results of the activities opened in 2005
- 11.15** Break
- 11.30** Preparation of the catalogue of training activities opened in 2006
- 12.30** Lunch
- 15.00** Judicial Authorities Exchange Programme 2004
- 16.00** Examination of the call for proposals AGIS 2005 and the different projects
- 17.00** End of works

Tuesday 15 November 2005

- 9:30** Presentation by the Secretary General of the Exchange Programme for Judicial Authorities 2005 and discussion (jointly with the « Website » working group)
- 10:15** Work on Section A :
- Transfer of the experience acquired by the ENM, promoter of the PEAJ 2004, to the Network
 - Recruitment of the team in charge of section A
- 12.30** End of works
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The meeting is opened at 10h00 by Alejandro Saiz Arnaiz, Director of the External Relations Department of the Spanish judicial school, convener of the EJTN “programmes” working group.

1. Approval of the minutes of the “programmes” working group on 4 and 5 September 2005 in Riga

Minutes are approved.

2. Report of the Secretary General

The Secretary General thanks the French national school for the judiciary for hosting the meeting.

Then, he presents the EJTN current projects:

- The seminar on the strategic plan which took place in Lisbon on 8-9 November 2005 ;
- The PEAJ programme 2005;
- The preparation of Edinburgh General Assembly on 7 & 8 December 2005.

During the strategic plan seminar, two main issues were discussed:

- The development of EJTN activities in the future;
- The modification of the Network structure.

Concerning the activities, it has been decided to continue developing the EJTN achievements, and the Exchange Programme (PEAJ), which, as of 2007, should be no longer based on a competition system between different institutions but rather on a system of framework-mission given to the Network.

The design of e-learning tools as well as keeping up the training efforts in European law should also be priorities.

Gilles Charbonnier considers that the “programmes” working group has a fundamental role to play to accompany developments in that matter.

Concerning the structure, the predictable increase in EJTN activities should lead to strengthen the staff in the secretariat, to obtain regular and more important European funding and most likely, to modify the structure of the Network in order to favour these developments.

The Secretary General announces that some members have asked to hold an extraordinary steering committee before Edinburgh General Assembly in order to prepare debates about all the issues discussed during the strategic plan seminar in Lisbon. Moreover, in the prospect of the publication in January 2006 of the European Commission’s statement, it is important for the Network to be able to communicate on its future orientations so that the Commission can be aware of it and take it into account.

3. Balance of open activities in 2005

As early as July 2005, the Spanish judicial school has asked members having a training activity in the EJTN catalogue to fill in a document in order to draft the balance of open activities in 2005.

M. Saiz Arnaiz remarks that there has been a real increase in the participation of European judges and prosecutors to this initiative with a total number of 600 to 700 judges and prosecutors who took part in 2005 compared to 550 the year before.

In order to finalise the balance, the EJTN Secretary General and the French national school for the judiciary will send as soon as possible to the group convener, respectively the updated presentation of the Network and the results of the Exchange Programme for Judicial Authorities 2004.

4. Preparation of the catalogue of training activities 2006

The draft catalogue 2006 has been produced by the Spanish judicial school with data sent by members up to now. Alejandro Saiz Arnaiz stresses that data must be sent in both EJTN working languages (English and French). Information sent in one or another of these languages will not be translated into the other language.

It is decided to add to this catalogue the evaluation form of training activities produced within the framework of the group. This form will be submitted to the approval of the General Assembly along with the catalogue.

The Secretary General stresses the need to communicate about this form to optimise its use by members.

Gabriele Morawitz suggests revising the instructions for use of the catalogue in order to take into account internal specificities of each member.

The following amendments are approved by the group:

The sentence

“The training institution sending judges and/or prosecutors to one of the training events open to all EJTN members will pay for travel and accommodation expenses and per diem.”

Is replaced by

“According to its internal rules, and if so provided, the training institution sending judges and/or prosecutors to one of the training events open to all EJTN members will pay for travel and accommodation expenses and per diem.”

The Secretary General suggests making mention of the evaluation form in the instructions for use of the catalogue.

Upon proposal of Alejandro Saiz Arnaiz, the sentence:

“Judges and prosecutors, candidates to attend one of the activity of this catalogue, must send to their own institution of training and to the promoter a standard-report which will be diffused on the training Network website.”

Is replaced by

“Judges and prosecutors, who have attended one of the activities of this catalogue, must send to their own institution of training and to the promoter the standard evaluation form included in this catalogue.”

Moreover, the Secretary General raises the issue of the centralisation of evaluation forms.

Felix Azon fears that the evaluation of the activity by participants might be biased if the form is collected by the organizing institution.

Alejandro Saiz suggests asking the participants to fill in and hand out the forms to the promoter at the end of the training event. Then, the promoter will produce a synthesis of the forms and send it to the secretariat. The secretariat will prepare a brief report and present it to the different bodies of the Network.

This proposal is approved by the group. The first results of these evaluations will be presented to the working group I meeting in June 2006.

The Secretary General raises the issue of the circulation of the EJTN catalogue. He specifies that the catalogue appears now clearly on the EJTN Website. Moreover, he intends to use the newsletter as a channel to circulate the catalogue.

Each attending member is asked to explain how the EJTN catalogue is circulated in his/her own country.

Alejandro Saiz Arnaiz declares that EJTN activities have a special section in the Spanish judicial school catalogue, which is circulated each year at the end of December.

Silvia Coppari declares says that it is the same in Italy.

Due to the fact that it is published in September, the ENM catalogue does not contain EJTN training activities. However, it includes a presentation of the Network and mentions the release of the EJTN catalogue at the end of the year.

Gabriele Morawitz points out that there is the same problem in Germany, the catalogue being published in September/October. The EJTN catalogue is forwarded to the Lander Ministries that are responsible for circulating it to judges and prosecutors of their jurisdiction.

Jacques Hamaide declares that the EJTN catalogue appears online on the Belgian CSJ Website. Moreover, the CSJ brochure, published twice a year, mentions the EJTN Website.

Alejandro Saiz proposes releasing the EJTN catalogue in September in order for each country to include EJTN activities in its own national catalogue. Felix Azon suggests putting this issue on the agenda of the General Assembly as such a measure might have consequences on the way member institutions elaborate their own catalogue.

Dave Warson suggests putting systematically the EJTN catalogue on each member institution Website.

5. Information on the Judicial Authorities Exchange Programme 2004 (ENM)

Sylvie Ceccaldi-Guébel gives the first results of PEAJ 2004: 80% of the programme has been realised up to now. If most of the movements are now completed or in progress, there are still some available places in the category “EU to EU movements”.

Despite a few logistical problems, the programme has been a success. The first accounts prove the satisfaction of participants.

Sylvie Ceccaldi stresses the difficulties faced by the ENM in the implementation of the programme. First of all, because of the delay in signing the grant agreement with the Commission and in the payment of the grant, most of the movements had to be implemented within a 3-month period while the initial programme planned exchanges to be implemented over a one-year period. Moreover, in some cases, the trainee profile did not quite match the training session organised.

Then, Sylvie Ceccaldi asks the approval of participants on:

- The closing of applications by 20 November 2005;
- The need to send a questionnaire to referents in order to complete the evaluation of the programme.

Gabriele Morawitz shows reserves about the questionnaire. She fears that referents might be overloaded with work and requires the possibility to forward them the questionnaire letting them free to fill it in or not.

6. Examination of the call for proposals AGIS 2005 and the different projects

As the deadline for submitting projects is 27 January 2006, it is agreed that the group convener will circulate a planning board of AGIS training activities to group members so that they can inform about projects they intend to submit within the framework of AGIS 2006. A first assessment will be made at Edinburgh General Assembly.

7. Presentation by the Secretary General of the Exchange Programme for Judicial Authorities 2005 and discussion (jointly with the « Website » working group)

The Secretary General recalls that the European Commission approved the project submitted by the Network. He underlines that, although he has the responsibility of the project as EJTN Secretary General, he considers that it is very important that members and partners are able to take part to the decision-taking process and to have as much information as possible on the status of the project.

Gilles Charbonnier expresses his wish to start working on the project as soon as possible. He informs members that, in view of the significant amount of the grant awarded (1.173.000 €) and the financial capacity of the Network, the Commission has required some budgetary adjustments, especially a decrease by 100.000 € of expenses. He also stresses the positive attitude of the Commission towards the Network. The objective to sign the grant agreement by the end of the year appears feasible.

The Secretary General introduces the three sections of the project.

Section A :

The contact points system is maintained. The Secretary General will ask partners to confirm contact points appointed within the framework of PEAJ 2004.

The feasibility study started by the ENM will be continued during PEAJ 2005. A meeting will be organised with the ENM to discuss this issue.

As regards exchanges, the project provides for an increase by 20% of the exchanges compared to the previous project, with a global amount of 250 judges and prosecutors: 50 "juniors" (future judges and prosecutors with less than 3 years of experience), 180 confirmed judges and prosecutors and 20 Supreme Court judges. The partnership with the Network of Supreme Courts Presidents is maintained, being understood that applications should go through the national contact point.

The Secretary General proposes working on the following issues:

- The recruitment of the team (a project coordinator, an assistant, a secretary) in charge of the implementation of the project: definition of selection criteria taking into account the salaries planned in the budget as well as the allocated time to carry out the recruitment (January 2006 at the latest);
- Organisational matters: purchase of tickets, transfer of per diem, information to give to colleagues;
- The working language of the training session: should the trainee necessarily speak the language of the hosting country or can he speak an intermediate language?
- The requirements linked to initial training, especially in terms of calendar.

Section B

(e-learning tools: see the minutes of the "Website" working group of 15 November 2005 in Paris)

Section C

This section provides for the exchange of 25 trainers as well as for the organisation of 10 meetings between training directors. The Secretary General expresses the wish to rely on the experience acquired by the Italian CSM, promoter of PEAJ 2004 within the framework of section C.

Michel Allaix points out that the late implementation of exchanges of trainers during PEAJ 2004 did not make it possible to develop these exchanges in satisfactory conditions. In the framework of PEAJ 2005, he suggests combining exchanges of trainers with exchanges of trainees in order to work on joint pedagogical sequences. Gilles Charbonnier thinks that it is an interesting idea, particularly adapted to initial training.

Sylvie Ceccaldi insists on the need to recruit applicants with good computer skills as well as a sound knowledge of the judiciary.

8. Discussion over Section A

The French ENM suggests sending 17 French judicial students as part of PEAJ 2005 and to host European juniors in Bordeaux from 12 to 16 June 2006, then in court until 30 June 2006.

Gabriele Morawitz underlines that it is difficult to mobilise "*junior*" German judges and prosecutors during 3 weeks given their workload in court.

Gilles Charbonnier proposes sending a message to all project partners in order to ask them how many "juniors" and confirmed judges and prosecutors they wish to host and how many they wish to send.

Felix Azon and Alejandro Saiz consider that partners should be given a deadline to reply. They also recall that there is a difference between:

- the category of future judges and prosecutors
- and the category of judges and prosecutors with less than 3 years of experience.

Helena Bolieiro suggests applying the following schedule to start collecting information that will allow to launch the consulting phase with partners:

- identification of contact points;
- identification of partners' wishes;
- differentiation and classification of two «*junior*» categories

Gilles Charbonnier recalls that the pedagogical idea is to make all categories take part in the exchange programme without excluding countries with no initial training programmes. In that prospect, Gilles Charbonnier proposes placing trainees on the basis of declarations sent to the secretariat by partners. He suggests implementing a transparent arbitration procedure in case of too many declarations and encouraging declarations to host specifying the available periods.

Gilles Charbonnier raises the issue the language used during the training. Can it be admitted to use during the training session a language that is different than that of the hosting country?

The working group reckons that the use of both EJTN official languages (English and French) is a success. However, from a practical point of view, trainees should have a minimum capacity to understand and discuss in the language of the hosting country in order to be able to follow debates.

According to Felix Azon and Alejandro Saiz, the use of a third language should not be applied to the countries using one of the two official languages of the Network.

Dave Warson believes that it is up to each hosting country to use the language in which the training session will take place.

Gilles Charbonnier considers that hosting and sending possibilities should not be limited under the pretext of language difficulties and suggests raising this issue with the contact point of the hosting country concerned, at a further stage of the project, once each contact point will have specified its capacity to host foreign colleagues.

Gabriele Morawitz considers that contact points, in co-ordination with the Secretary General and the project coordinator, should make judicious choices as regards the language criteria for sending judges and prosecutors.

The next stage of the project will be the recruitment in December 2005 or January 2006 of a team of 4 people to implement the project under the responsibility of the Secretary General. Each attending member is requested to give his/her opinion on that point.

Michel Allaix recommends recruiting a project assistant and administrative staff with knowledge of different Member States public accountancy mechanisms in order to find appropriate and quick solutions to the problems of transfers of funds for example. Indeed, due this lack of knowledge, the project PEAJ 2004 organised by the ENM has faced some difficulties. This issue, as well as that relating to European funding, shall be mentioned in the study feasibility of PEAJ 2005.

Felix Azon and Alejandro Saiz consider that the project staff should speak several languages, have good computer skills as well as notions in Community law.

Gabriele Morawitz considers the following requirements as essential: organisational and communication skills, ability to work under pressure in the routine business as well as more specific projects.

Gilles Charbonnier adds that, in the interest of all project partners, the project staff should be recruited as soon as possible, and the grant agreement with the Commission should be signed very urgently. He recommends finally that the new staff should be aware of judicial culture and ready to involve itself for a one-year contract in Brussels.

Finally, as regards the reimbursement of per diem and travelling expenses, Gilles Charbonnier considers that it would be useful to benefit from the experience of PEAJ 2004 concerning:

- the heavy organisational management of travels by training institutions;
- the maximum amount to determine for the reimbursement of accommodation and travelling expenses;
- the establishment of a schedule to purchase tickets in advance;
- to know who will purchase travel tickets (the institution itself, the trainee, a travel agency on a contract-basis);
- the choice to make between paying daily allowances before the training session or a reimbursement system.

Felix Azon and Alejandro Saiz recommend reimbursing travelling expenses and daily allowances directly to trainees, in order to relieve training institutions.

The meeting is ended at 12:15 on 15 November 2005.

Brussels, 21 November 2005

Aude MAGEN
EJTN Secretariat

Approved on

Gilles CHARBONNIER
Secretary General of the EJTN