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**COMMISSION STAFF WORKING PAPER**

**Report to the European Parliament, the Council, the Economic and Social Committee  
and the Committee of the Regions on the implementation of the Robert Schuman  
Project 1999-2001**

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### **Report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation of the Robert Schuman Project 1999-2001**

#### **1. INTRODUCTION**

To ensure that the common rules necessary to the smooth functioning of the Internal Market are properly implemented, it is vital for the rules underlying the Internal Market to be known, understood and applied in the same way as national rules. Citizens, consumers and companies must be confident that these Community rules will be applied correctly, and must benefit from the rights and guarantees which they embody in all the courts of the Member States. Legal certainty and, more generally, confidence in the whole process of European integration are at stake. Persons subject to legal proceedings before national courts may invoke directly effective provisions of Community law. National provisions implementing a Directive have to be interpreted, as far as possible, in conformity with the provisions of the Directive itself. Incorrect transposition of a Directive may give rise to State liability for damage suffered by individuals, as laid down by the European Court of Justice (ECJ) in the Francovich-case. The possible need for requesting a preliminary ruling from the ECJ provides a further example of the necessity for the legal professions to have a sound knowledge of Community law.

Consequently, members of the legal professions responsible for ensuring that Community rules are applied correctly must receive proper training and information.

The Robert Schuman Project (hereinafter the Project) has been in force for the years 1999-2001, with the objective of encouraging and supporting initiatives designed to raise the awareness of Community law among the legal professions in the Member States. By raising the awareness of this law among the judges and lawyers of national jurisdictions, the overall aim of the Project was to gradually improve the application, throughout the Union, of Community law.

This report is submitted in response to the obligation of the Commission to report on the implementation of the Project. Following a description of the Projects background and function, an analysis is made based of the key indicators on its implementation.

##### **1.1. Background of the Robert Schuman project**

A survey conducted on behalf of the European Commission 1995 indicated an inadequacy among legal practitioners as to their knowledge of Community law. The Commission had already emphasised, in its Communication of 1993 on "Making the most of the internal market: strategic programme", the importance of national courts being in a position to resolve a larger proportion of cases concerning Community law and, to that end, the need to improve the knowledge of Community law within the legal professions. In its resolution of 1996 on the Commission's Annual Report on monitoring the application of Community law the European Parliament asked the

Commission to put forward a programme for the purpose of training and informing the legal professions in the field of Community law.

To prepare the launch of such a programme the Commission implemented two Pilot Phases in 1997 and 1998, in order to promote the programme among the legal professions, to test out the programme's management principles and to gauge the reaction of the institutions taking part.

Based on this experience the Project was formally launched and adopted by the European Parliament and the Council.<sup>1</sup> It came into force 14 July 1998, to be effective for a period of three years. Calls for proposals were launched and published in the Official Journal in 1999, 2000 and 2001<sup>2</sup>.

## **2. FUNCTIONING OF THE ROBERT SCHUMAN PROJECT**

The Project supported three types of initiatives:

- Training initiatives of a practical nature, such as seminars and lectures,
- Information initiatives, encouraging the development of information resources in the Member States, such as production and distribution of hard-copy or computer-based information, and
- Accompanying initiatives, meeting the objectives of the Project but not falling within any of the two categories above, for example, initiatives designed to facilitate implementation of the above two forms of support, complement them or enhance their impact.

Common for all types of initiatives were that they had to be directed to members of the legal professions involved in the administration of justice and that they had to be implemented by institutions responsible for continuing or initial vocational training in the Member States.

Initiatives could be of a one-year or two-year duration. Each applicant had to commit to continue the initiative, with the same quality and character, for an equivalent period of time without Community support, to ensure continuity. Exceptionally, a derogation from this obligation could be given for information initiatives or accompanying initiatives. The total length of the majority of the initiatives, including the continuity part, was thus two or four years.

The maximum grant available was 30 000 euro for one-year initiatives and 60 000 euro for two-year initiatives, with the maximum level of financial support from the Commission limited to 80% of total net costs.

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<sup>1</sup> Decision No 1496/98/EC of the European Parliament and of the Council of 22 June 1998 establishing an action programme to improve awareness of Community law within the legal professions (Robert Schuman Project). OJ L 196, 14.7.98, p. 24.

<sup>2</sup> OJ C 3, 6.1.1999, p. 6. OJ C 1, 4.1.2000, p. 4. OJ C 21, 24.1.2001, p. 28.

### 3. ANALYSIS

The following will focus on the implementation of the Project itself, that is, the years 1999, 2000 and 2001. However, for sake of illustration, data for the two years during which the Pilot Phases were implemented will also be included where considered useful. For more detailed information on the Pilot Phases reference should be made to the report published by the European Commission 1998.<sup>3</sup>

#### 3.1. Applications

The applications received each year constitute not only the foundation for the actual implementation of the Project but also serves as an important indication of the interest for the types of initiatives supported by it. The following table summarises the total number of applications received each year, including during the Pilot Phases, and divided on type of initiative.

<b>Applications</b>	1997	1998	1999	2000	2001	<b>Total</b>
Training	92	76	80	64	48	<b>360</b>
Information	33	24	18	18	16	<b>109</b>
Accompanying	19	13	11	5	8	<b>53</b>
<b>Total</b>	<b>144</b>	<b>113</b>	<b>109</b>	<b>87</b>	<b>72</b>	<b>525</b>

The overall trend is towards fewer and fewer applications each year. This could be interpreted as something positive, as diminishing demand could reflect diminishing need, thus indicating that the objective of raising the awareness of Community law has gradually been reached during the implementation of the Project.

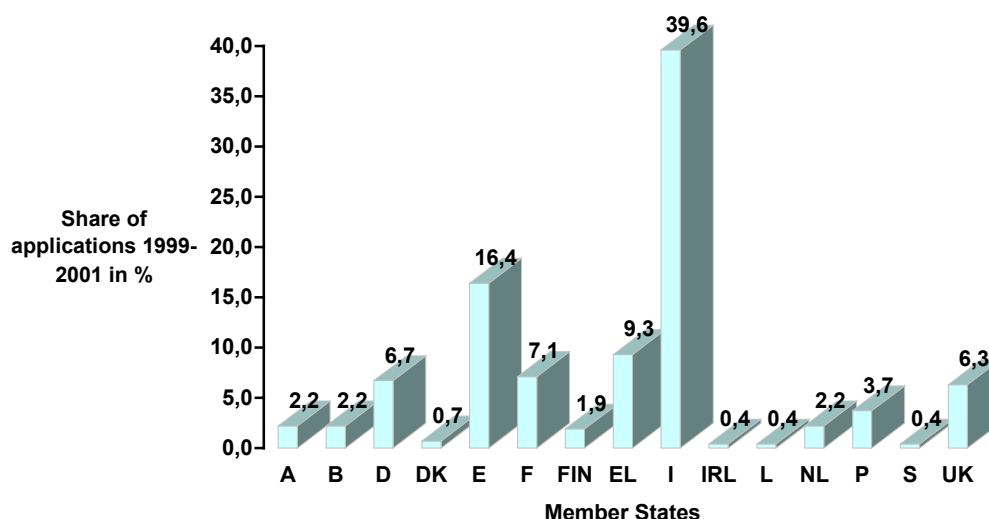
As regards the division between the different types of initiatives supported under the Project, it is not surprising that training initiatives form the main part. These provide for direct and hands-on improvements in the knowledge of Community law among the legal professions and for adjusting the initiative to the precise needs of the target population. Information initiatives can find themselves competing with existing resources in this field and they also demand a certain level of existing knowledge of Community law on the part of the applicant institution. Training initiatives can be regarded as more flexible in this respect as they allow for temporary “hiring” of the appropriate expertise for a given event.

Accompanying initiatives have been few in number, but it should be recalled that they were mainly designed to ensure a certain flexibility in the Project, to have a back-up for other innovative initiatives not falling squarely within the other two categories.

The following chart describes the repartition of the applications between the Member States.

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<sup>3</sup> The Robert Schuman project: Pilot phases 1997-1998, analysis and first assessment. European Commission 1.12.1998.

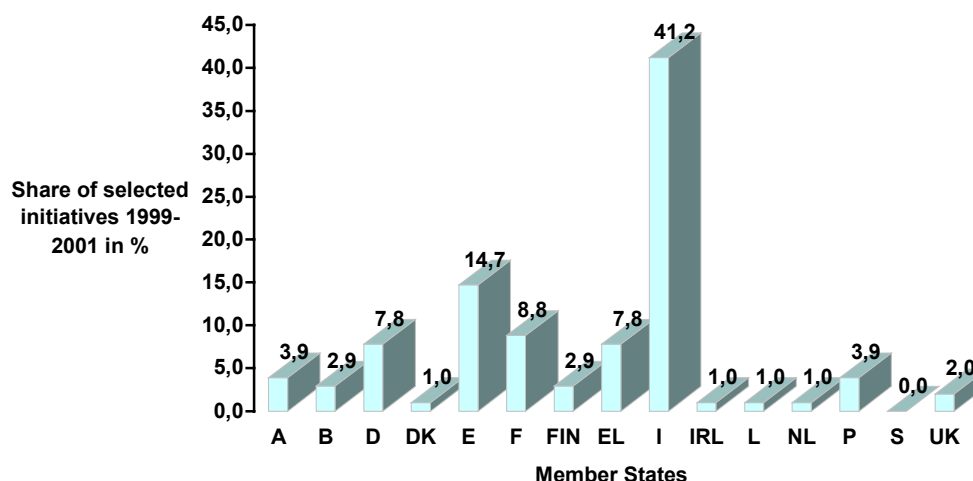


Notably, 56% of the applications come from two Member States only (E and I) representing around 26% of the total population of the EU. However, it is difficult to assess whether this is the result of a greater demand (and thus a greater need) from these Member States or if it is due to a lack of information on the very existence of the Project in the other, less represented Member States. It is any case difficult to see how the Project could have been designed differently in order to achieve a more even repartition between the Member States.

### 3.2. Supported initiatives

The following table and chart give the same information as above on the initiatives actually selected and supported by the Commission each year.

Supported	1997	1998	1999	2000	2001	Total
Training	32	35	34	28	25	154
Information	4	5	4	4	2	19
Accompanying	2	1	2	1	1	7
<b>Total</b>	<b>38</b>	<b>41</b>	<b>40</b>	<b>33</b>	<b>28</b>	<b>180</b>



The distribution between the different types of initiatives and the repartition between the Member States follow roughly that of the applications received. The total number of initiatives supported during the Project itself amounts to 101.

The following table shows the success rate of the applicants, that is, the relation between the number of applications received and the number of initiatives supported.

	1997	1998	1999	2000	2001	Total
Applications	144	113	109	87	72	<b>525</b>
Supported initiatives	38	41	40	33	28	<b>180</b>
<b>Success rate</b>	<b>26%</b>	<b>36%</b>	<b>37%</b>	<b>38%</b>	<b>39%</b>	

With the exception of the first year of the Pilot Phase the rate of selected initiatives shows a remarkable consistency. In view of that the selection has not been limited by budgetary constraints (see below under “Budgetary indicators”), the share of quality initiatives have thus remained practically constant each year.

### 3.2.1. *Types of institutions supported*

The following table shows the repartition between the different types of institutions that have received support each year.

<b>Supported</b>	1997	1998	1999	2000	2001	<b>Total</b>
Bar associations	19	17	16	12	11	<b>75</b>
Universities	10	13	16	17	11	<b>67</b>
Other	9	11	8	4	6	<b>38</b>
<b>Total</b>	<b>38</b>	<b>41</b>	<b>40</b>	<b>33</b>	<b>28</b>	<b>180</b>

The group “universities” includes also approved vocational schools or educational institutes. The group “other” covers courts, ministries of justice and high councils of the judiciary or similar bodies responsible for the training of the judiciary and

judicial officers. The underrepresentation of the latter group is somewhat disappointing, in view of the particular importance of a good knowledge of Community law among the judiciary. However, it should be noted that judges have taken part in many of the initiatives organised by bar associations and universities also.

### 3.2.2. *Number of legal practitioners involved, topics covered*

An indication of the total number of legal practitioners expected to participate in the training initiatives supported by the Project, based on the estimates made by the beneficiaries in their applications, comes to around 15 000. In terms of topics covered, on the same basis, a majority of the initiatives have chosen to cover several areas of Community law (around 62%) or to focus on general principles of Community law (around 24%). The remaining initiatives have been more specialised, covering one particular area of Community law (such as the internal market, environmental law or justice and home affairs). The approach taken by the majority of the beneficiaries, to organise initiatives of a more general character, can be assumed to reflect demand among the legal professions and is not surprising in view of the principal objective of the Project, to raise the awareness of Community law.

### 3.3. **Budgetary indicators**

The following table shows the relation between the available budget and the total amount of requested grants each year.

<b>Budgetary indicators</b>	1999	2000	2001	<b>Total</b>
Total grants requested	2 402 150	2 378 100	1 767 700	<b>6 547 950</b>
Available budget	1 300 000	1 000 000	970 000	<b>3 270 000</b>
Ratio Demand/supply	185%	238%	182%	

The following table shows how much money has actually been spent from the Community budget on supporting initiatives within the scope of the Robert Schuman Project, as well as the size of the average grant.

<b>Grants</b>	1999	2000	2001	<b>Total</b>
Total budgetary commitments	778 298	689 249	588 937	<b>2 056 484</b>
Average grant	19 457	20 886	21 033	

A comparison of the two tables shows that it has not been possible to commit the whole budget any year. Although demand has always greatly exceeded supply, it may thus be noted that the quality of the applications, and not budgetary constraints, have been the limiting factor in selecting initiatives for support (see also above under “Supported initiatives”).

Taking into account that around 1.5 million euro were spent during the Pilot Phases of 1997 and 1998, more than 3.5 million euro has been spent for the purpose of raising the awareness of Community law in the Member States over the course of five years. The average grant has remained fairly constant and well below the limit for maximum grants that have been available under the Project. However, the low average size of the grants and the corresponding high number of initiatives supported from existing budgetary resources have put a high strain on the Commission’s administrative resources for managing the Project. This strain will continue, in particular bearing in mind that the initiatives selected this year will be implemented over the next 1-4 years.

### 3.4. Status of selected initiatives

The following table describes the status, as of 15 November 2001, of the initiatives selected. The term “1<sup>st</sup> phase” denotes the part of the initiative carried out with Community support, the term “2<sup>nd</sup> phase” denotes the part carried out without such support (continuity part).

Status	1999	2000	2001	Total
Completed	16	0	0	<b>16</b>
Ongoing	23	32	28	<b>83</b>
Cancelled	1	1	0	<b>2</b>
<b>Total</b>	<b>40</b>	<b>33</b>	<b>28</b>	<b>101</b>

The fact that the initiatives have a life span of 1-4 years, and in many cases have their principal part the year after which the decision to support it was taken, explains the high number of initiatives still on-going. It is therefore not possible at this stage to analyse the actual results of the initiatives supported. Notably, taking into account the selection of this year, initiatives for the purpose of raising awareness of Community law among the legal professions will continue to be implemented until 2005 as a result of the Project.

To conclude, two concrete examples of initiatives supported under the Project, for the purpose of illustration.

- *Training initiative – “Access to and application of Community law in the legal practice”*

*The Scuola di Specializzazione in Diritto degli Scambi transnazionali, Università degli Studi di Torino, was selected for a one-year training initiative in 1999. During the first year, six lectures of 4 hours each were given, on the topics of access to European law, procedures at the European Court of Justice, the Rome and Brussels conventions, European environmental law, freedom of movement of services and establishment in European law, and European*



*labour law. The course attracted more than 300 lawyers for the first lecture and on average 40 lawyers per the other five. The course was repeated the second year, attracting a total of 150 participants. For both years, participants were mainly members of the local Bar association but included also the judiciary and the local administrations. Instructors were mainly university professors as well as one judge and practising lawyers.*

- *Information initiative – “A legal portal and search engine on European Law”*

*The Faculdade de Direito da Universidade Nova de Lisboa, Portugal, applied successfully for the implementation of a two-year information initiative in 2000. The initiative is now nearing the completion of its first phase. The purpose is to set up a website “Jurist Europe” that provides a European Legal Portal. The website will include sections on European legal news, organisation of links on European law and national laws, databases etc, thereby improving the dissemination of information on European law and the exchange of information among the actors of the Member States that apply European law. The website may be consulted via <http://www.fd.unl.pt/je/index.htm>.*

A list of all initiatives supported in 1999, 2000 and 2001 can be found in the annex to this report. The initiatives cancelled in 1999 and 2000 are not included in the list.

#### 4. CONCLUSIONS

With a total of 180 initiatives supported over the course of five years and over 3.5 million euro spent in support of these initiatives the Robert Schuman Project, and the Pilot Phases that preceded it, must be considered to have had an impact on the awareness of Community law among the legal professions in the European Union. This conclusion is confirmed also by the number of beneficiaries who indicate that they intend to continue with initiatives designed to provide training and information on Community law in the future. Although an assessment of the true impact on the actual application of Community law throughout the European Union falls outside the scope of this report, it can safely be assumed that an important contribution has been made towards this end.

The Project can therefore be considered to have met its objectives – to provide a time-limited boost for the training of the legal professions in Community law, while respecting the competence of the Member States to organise and carry out vocational training.

In view of the above and the steady downward trend in applications, further Community intervention in this area is no longer justified. This conclusion follows also from the Commission’s line, in the context of the financial reform, to move away from the management of micro-projects. More focussed support for training actions will continue to be available in the framework of the different cooperation programmes in the field of Justice and Home Affairs.