



4.2.2013

B7-0053/2013

MOTION FOR A RESOLUTION

further to Question for Oral Answer B7-0112/2013

pursuant to Rule 115(5) of the Rules of Procedure

on judicial training - court coordinators
(2012/2864(RSP))

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B7-0053/2013

**European Parliament resolution on judicial training – court coordinators
(2012/2864(RSP))**

The European Parliament,

- having regard to Articles 81 and 82 of the Treaty on the Functioning of the European Union, which provide for the adoption under the ordinary legislative procedure of measures aimed at ensuring ‘support for the training of the judiciary and judicial staff’,
- having regard to its resolution of 10 September 1991 on the establishment of a European Law Academy¹, its position of 24 September 2002 on the adoption of a Council decision setting up a European judicial training network², its resolution of 9 July 2008 on the role of the national judge in the European judicial system³, and its recommendation of 7 May 2009 to the Council on development of an EU criminal justice area⁴,
- having regard to the Communication of 20 April 2010 on an action plan implementing the Stockholm Programme (COM(2010)0171),
- having regard to its resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm Programme⁵,
- having regard to the Communication of 13 September 2011 entitled ‘Building trust in EU-wide justice – a new dimension to European judicial training’,
- having regard to the pilot project on judicial training proposed by Parliament in 2011,
- having regard to the comparative study on judicial training in the Member States commissioned by Parliament from the Academy of European Law (ERA) in consortium with the European Judicial Training Network (EJTN)⁶,
- having regard to its resolutions of 17 June 2010⁷ and 14 March 2012⁸ on judicial training,
- having regard to experience in the Netherlands with Eurinfra and its network of court coordinators for European law, which is beginning to be emulated in other Member States, in particular Italy, with its European Gaius project; Denmark, Romania and Bulgaria, designed around the three pillars of (a) improving the accessibility of European law information resources using web technology, (b) improving knowledge of European law among the judiciary and (c) establishing and maintaining a network of court coordinators

¹ OJ C 267, 14.10.1991, p. 33.

² OJ C 273 E, 14.11.2003, p. 99.

³ OJ C 294 E, 3.12.2009, p. 27.

⁴ OJ C 212 E, 5.8.2010, p. 116.

⁵ OJ C 285 E, 21.10.2010, p. 12.

⁶ <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=60091>

⁷ OJ C 236 E, 12.8.2011, p. 130.

⁸ Texts adopted, P7_TA(2012)0079.

for European law,

- having regard to the huge strides being made by information technology whereby, for instance, e-learning can be increasingly used as a flexible tool to reach more end users, independently of time and place, while advanced technology – particularly sophisticated search engines – can be used to gather information in order to improve the accessibility of the law,
 - having regard to the question to the Commission on judicial training – court coordinators (O-000186/2012 – B7-0112/2013),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the origins of our legal systems are complex, so that, according to a recent scholarly essay¹, Roman law is to be seen more as a multicultural enterprise than as a peculiar evolution of one culture, and common law (ignoring its praetorian sister, equity, and the influence of canon law) might be better known as ‘Anglo-Norman’ law; whereas the rule of law is one thing we have in common and one of the values which European law has given the world; whereas what is needed is a holistic approach to law on the part both of practitioners and of the judiciary;
- B. whereas there can be no excuse for ignorance of European law on the part of national judges, who are and must be European judges, called upon to play a fundamental role in a situation in which we will need more Europe; whereas this does not preclude fostering a European judicial culture in which diversity is celebrated as a common good;
- C. whereas every national court is a court of EU law;
- D. whereas the increase in the number of Member States and the mounting burden on the European Court of Justice mean that national courts must use every means at their disposal to facilitate effective and speedy access to justice;
- E. whereas what is needed is cost-effective means of improving the training of judges and their access to the law;
- F. whereas it would be invaluable to promote the idea of national court coordinators for European law and their interconnection at European level; whereas the main function of an interconnected network of court coordinators would be to enable judges to confer readily in their day-to-day work with their counterparts in other Member States on such matters as the interpretation of particular words in the applicable European law (directive or regulation) in a secure digital environment (through a specially created social medium or via the e-justice portal); whereas these ‘circles of coherence’ would make for greater uniformity in the application of EU law while reducing the number of references for preliminary rulings, without detracting from the role of the Court of Justice;

¹ P.G. Monateri, *Black Gaius. A Quest for the Multicultural Origins of the ‘Western Legal Tradition’*, in 51 *Hastings Law Journal*, 2000, 479 *et seq.*; in <http://www.jus.unitn.it/cardozo/users/pigi/blackgaius/bge.pdf>

- G. whereas, as Parliament has already determined, one way of resolving the problems (costs, language training, cost-effectiveness) is to utilise modern technology and finance the creation of ‘apps’ (computer-based applications for use on PCs, mobile telephones, tablets, etc);
- H. whereas a start could be made with the general part of EU law, since electronic knowledge management allows in-depth access to the most up-to-date information;
- I. whereas a situation in which every Member State started to develop its own technology and its own digital structures to enable the supply of digital tools would be a waste of energy and financial resources, especially in these times of economic stringency;
- J. whereas duplication of efforts must be avoided and the re-use of quality training projects promoted; whereas this calls for more interconnection between Member States in EU law knowledge management;
- K. whereas, particularly in developing search engines to search for judgments, opinions and EU law in general, Member States should consider whether this technology might not benefit the judiciary in other Member States as well, in which case it can be pooled, coordinated and developed in common;
- L. whereas a scheme should be launched for the re-use of training products, through for instance the recording and translation/dubbing/subtitling of lectures on a co-funded basis;
- M. whereas all this should be brought together in a master plan for knowledge management for the judiciary, using the e-justice portal, where appropriate;
- N. whereas the Common European Sales Law, when adopted, will afford a proving ground for the network of court coordinators of European law by providing an opportunity for attaining horizontal coherence between national judges in areas where little or no case-law of the European Court has emerged, without, of course, duplicating specialised networks in this area;
- O. whereas curiosity about other systems, open-mindedness – including about the use of new technologies and methods – and dialogue must be the watchwords in a Europe, and a world, where the law and its practitioners will have to be more innovative in their approach to knowledge management;
- P. whereas this can have a positive effect on public perceptions of the European Union – the more fact-based information is freely available, the less credence will be given to myths and deception about the Union itself, its law and workings, and the more room there will be for honest debate and political discussion¹;
- Q. whereas this is yet another aspect of building a European judicial culture but is not the whole story; whereas new training methods and new curricula emphasising language learning and promoting the study of comparative law and international law need to be

¹ See, for example, with regard to the myths about the EU’s involvement in criminal law, the excellent work, *Opting out of EUR Criminal law: What is actually involved?*, by Hinarejos, Spencer and Peers, CELS Working Paper, New Series, No 1, http://www.cels.law.cam.ac.uk/publications/working_papers.php

extended to the universities and law schools – ERASMUS (for law students and judges) was only a beginning;

- R. whereas the time is ripe to take matters further, beginning with a no-holds-barred discussion of legal training for judges and practitioners and legal education at a forum involving the participation of members of the judiciary, the relevant national authorities – including councils for the judiciary and judicial training schools – and the Academy of European Law (ERA), the European Judicial Training Network (EJTN), the European Network of Councils for the Judiciary (ENCJ) and the European Law Institute (ELI);
1. Reiterates and reaffirms its resolutions of 17 June 2010 and 14 March 2012 on judicial training;
 2. Calls on the Commission to expedite the award of contracts under the pilot project;
 3. Calls on the Commission to foster and sponsor national court coordinators of European law and the emergent interconnection of the national networks of court coordinators while encouraging and promoting the ideas set out in the recitals of this resolution and in Parliament's resolutions of 17 June 2010 and 14 March 2012;
 4. Draws attention to the potential benefits for the economy, and in particular for small and medium-sized enterprises, of the development and exploitation of e-learning and new technologies, especially search engines;
 5. Considers that the professional development of lawyers should emphasise the need for common standards of professional ethics, for the judiciary to be independent and impartial and for an approach to European regulation that is respectful of diversity, since it is only in this way that true mutual confidence can be achieved;
 6. Notes that the legal systems of the Member States, despite their diversity, are based on common principles and share common origins; recalls that, until a few centuries ago, the legal professions in Europe were considered to constitute a unified body of practitioners able to give advice, prepare legal documents and plead before courts in any part of Europe; considers that the legal training policy of the European Union should be inspired by this fact, which shows that the full mobility of legal practitioners is feasible;
 7. Proposes, lastly, that the Commission organise a forum in the summer of 2013 – a 'Congress of Messina for building a European judicial culture' – at which judges of all levels of seniority can meet to hold discussions on a recent area or areas of legal controversy or difficulty in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding; believes that such a forum could also afford a historic opportunity for the competent authorities and experts, including universities and professional bodies, to discuss judicial training policy and the future of legal education in Europe;
 8. Instructs its President to forward this resolution to the Commission.