European Commission

Tender JUST/2012/JUTR/PR/0064/A4 –

Implementation of the Pilot Project – European Judicial Training

Lot 2

"*Study on the state of play of lawyers' training in EU law*"

Final report

Funded by the European Union

promoting law & justice
European lawyers
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Abstract

The ***Study on the state of play of lawyers training in EU law*** is a one-year project commissioned by the Directorate-General (DG) JUSTICE of the European Commission in order to:

- Describe the general organisation of lawyers' training and more specifically their training in EU law, organisation of other European judicial and legal systems and knowledge of legal terminologies in all EU Member States,
- Collect and analyse data (description and statistics) on existing training activities specifically on EU law aspects, be they organised at European, national, regional or local level,
- Develop good practices criteria and collect examples of good practices,
- Draft recommendations for improvement of training activities and development of lawyers' participation in training activities related to EU law, organisation of other European judicial and legal systems and knowledge of legal terminologies.

The current Final Report presents the final state of the national factsheets, a detailed analysis of the data collected, qualitative findings about training of lawyers in EU law, succinct information about existing and possible good practices in this matter and recommendations for future improvements.

Acronyms and abbreviations

CCBE – Council of Bars and Law Societies of Europe
ECJL – European Centre for Judges and Lawyers – EIPA Luxembourg
ECBA – European Criminal Bar Association
ECLAN – European Criminal Law Academic Network
EIPA – European Institute of Public Administration
EJT – European Judicial Training
ERA - Europäische Rechtsakademie – European Law Academy
ETP – European Training Platform
EUI – European University Institute
FBE – Fédération des Barreaux d'Europe
TP – Training providers

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Executive Summary

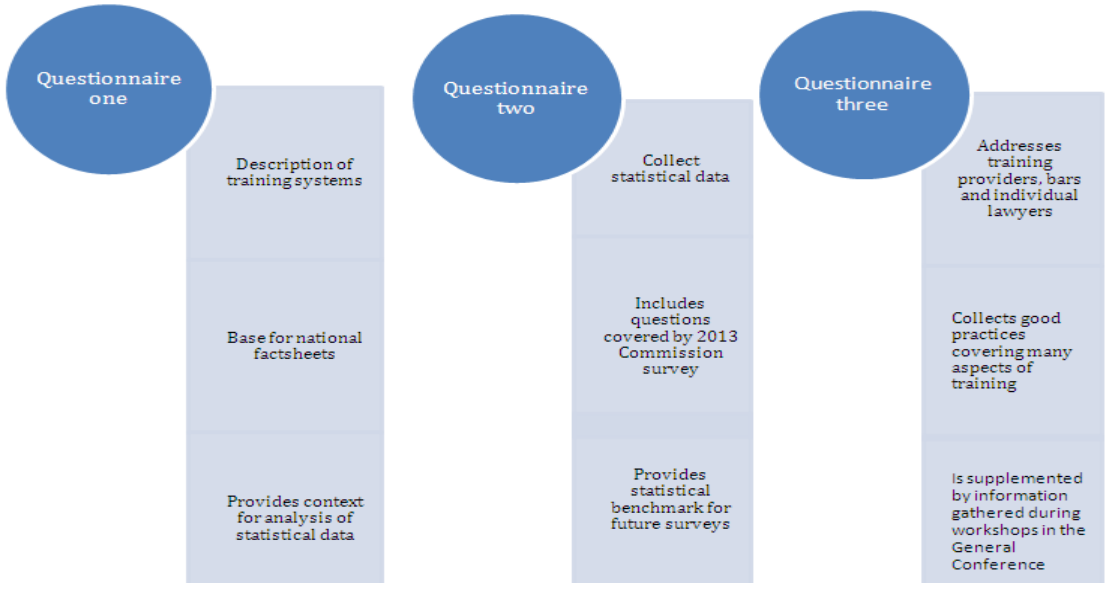
A Europe-wide study to understand the context of training of lawyers in EU law

At a very general level, there is a reasonable degree of commonality in how lawyers in the different Member States are trained prior to qualification. Almost all Member States require a law degree or its equivalent as a starting point. All Member States but one also requires some form of Bar registration, examination and induction period prior to full designation as a 'lawyer'.

However, when going beyond this general statement, issues arise where differences show. This is why the first point of order with the national contact points was to establish a common glossary to ensure that terms used in the course of the project were understood in the same manner across Europe. Even the term "lawyer" had to be defined, and the one common ground for that definition is that "a lawyer is a jurist who is registered to a bar or law society in the European Union".

All other matters may vary, from the possibility to be a salaried lawyer or not, to the processes of access to the profession and the organisation of the training system.

The project was built on the basis of collection of data through three questionnaires and desktop research, but also the involvement of contact points from national Bars and Law Societies in all Member States played a vital part in obtaining qualitative information, clarifications and seeking common understanding.



Due to the variety in the organisation of the national training systems, an analysis seeking to establish Europe-wide averages is not really meaningful.

However, the existence of a training committee within the Council of Bars and Law Societies of Europe (CCBE) and the development of mobility of lawyers have led most Bars and Law Societies, with may be one or two exceptions, to look more closely at the training of their members, or at least to consider that training is an important issue to be discussed and improved upon.

A factsheet was drafted for each judicial system, which provides up-to-date information on:

- conditions of access to the profession (the level of academic requirements to enter the profession being necessary as contextual information when analysing the training obligations during the induction period)
- organisation of the induction period training, including with respect to training contents with EU law aspects
- organisation of continuous training

This first study on training of lawyers in EU law in the 28 EU Member States creates a benchmark for future evaluation of developments and evolutions

National factsheets with a sell-by date.
Around 10 of the answers to questionnaire one indicated that future reforms of the training system are under discussion or about to be adopted. In general those planned reforms aim to improve the quality of training. Three of the answers mention that the upcoming reform means that training in EU law will be a part of the training delivered during the induction period. The study thus shows that training of lawyers across the EU is a shifting landscape and description of the training system provided in the national factsheets will necessitate regular updates.

Collection of statistical data: a long term objective
34 answers were received from 21 Member States. This is more than was ever previously achieved, but it may still be improved upon.

While the collection of statistical data was quite comprehensive for the Member States where the national bar is directly in charge or monitoring training of its members, it was less representative of the reality in the Member States where solely private sector training providers are in charge and where no accreditation system is in place.

A relatively low level of answers from private sector training providers show a need for continuous action with a view to motivate them to put in place internal processes to collect data about EU law aspects of their training activities and thus improve gathering of data at a European level.

Discussions with stakeholders confirmed that the data collected is representative of the current situation regarding the low percentage of training activities with stated emphasis on EU law, but that it underestimates the overall number of such activities as many training providers did not contribute to the collection of data.

How is EU law integrated into the induction period?

Factsheets and data show the importance of the induction period, during which trainee lawyers build up their practical skills (including non-legal skills necessary to the lawyer's craft and to develop a successful practice) and learn how to implement law in the context of the national procedures. In 27 out of 28 Member States[1], trainee lawyers have to participate in induction period training with an important focus on on-the-job training, which falls beyond the scope of the current study.

EU law (directly applicable regulations, directives transposed into national law, the interpretation of EU legislation by the EU Court in Luxembourg, etc.) represents a growing part of the law of the Member States. Based on the replies received, in 13 Member States, 80 % of the trainee lawyers do follow one or more training sessions in EU law. In 2012, 12.871 out of 15.995 trainee lawyers attended at least one training session in EU law during their induction period. However, these training sessions

- are generally quite short (two days in average, with some Member States providing less than one day), and
- tend to be lectures rather than practice oriented (14 answers mentioned EU institutional law as the main topic).

Apart from not preparing trainee lawyers for the practical use of EU law in their daily practice, whether in cross border cases or in national cases with EU law aspects, this state of affairs can also constitute a hindrance to professional mobility of lawyers.

Online training could be an option to improve the situation, but the study shows that it is seldom used during induction period, with a few national exceptions.

On-the-job training might give the opportunity to trainee lawyers to address real-life cases with EU law aspects. This opportunity is limited, however, in the small practices which constitute the bulk of lawyers' practices across the European Union.

[1] Except in Bulgaria.

Can continuous training help develop skills in implementation of EU law?

29 answers to questionnaire two included data on continuous training in 28 Member States. In 2012, 89.293 lawyers participated in 2.250 training activities (face-to-face, e-learning, blended learning, self directed learning). The vast majority participated in face-to-face training (2.108 activities).

It was not possible to obtain precise data on the number of participants in training activities with EU law aspects, but it is possible to put in perspective the number of training activities. Out of 2.250 training activities, 167 were about EU law – 7,4% of the total.

The statistics do not provide the full picture as about 10 respondents indicated that they were unable to provide figures about training activities with aspects of EU law.

Among the reasons for the relatively low number of training activities covering EU law issues, respondents referred to "lack of demand", "lack of interest" and/or "lack of expert trainers and training materials". Training providers and trainers should therefore be encouraged to increase their own understanding on how EU law interacts with national law and the practical implications of these interactions for the defence – or promotion – of clients' interests, as they are on the front line to convince lawyers of the importance of implementing EU law in their daily practice.

Answers received also showed that existing resources available to training providers and trainers are not widely known (training material, online legal terminology bases, jurisprudence data bases, etc.).

At this point in time it can be considered that continuous training does not support enough lawyers into becoming truly European lawyers.

The project conference and answers regarding good practices in training of lawyers in EU law allowed the project team to envisage various possibilities for improving upon the current situation and answering needs. Recommendations have been drafted to present such possibilities in a practical manner.

Designing recommendations as a path to the future

Recommendations have been developed in a collective process, on the basis of data gathered, comments from stakeholders, information collected during the project's general conference[2] and revisions by the CCBE's members. These recommendations are addressed to different audiences, but many of them are directly addressed to the CCBE as well

[2] Brussels, 15 November 2013 – Borschette Center

as the Bars and Law Societies, noting different means and work path to improve training of lawyers in EU Law. This fact shows the willingness of the profession to tackle the gaps and provide future lawyers with better training and thus citizens and firms with better legal services.

The recommendations concern:

- how the training systems are organized at national level by the professions
- how training activities are organised by training providers
- how Bar and Law Societies can cooperate to develop joint projects
- how training providers can improve on training contents and delivery
- what support is necessary at European level
- how EU training contents can be made available and be improved upon.

The recommendations are not compulsory and provide a sort of checklist that stakeholders can use when addressing the topic of training in EU law. In order to implement the recommendations, various types of stakeholders will need to engage in constructive discussions and actions. Support at European level is also key to their implementation.

One recommendation will need the support of a majority of Bars and Law Societies as it aims at providing a common ground of understanding for achieving comparable levels of training in EU law in the Member States with a view of having European lawyers in all Member States.

Developing a European framework of competences in EU law for all lawyers

Discussions with stakeholders on how to build up lawyers' reflexes in the use of EU law in their practice have led to the understanding that simply developing a common curriculum could lead to some difficulties: in some Member States, the training curriculum during the induction period is covered by a strict legal base, and the level of training obligations put on qualified lawyers varies widely from one Member State to another.

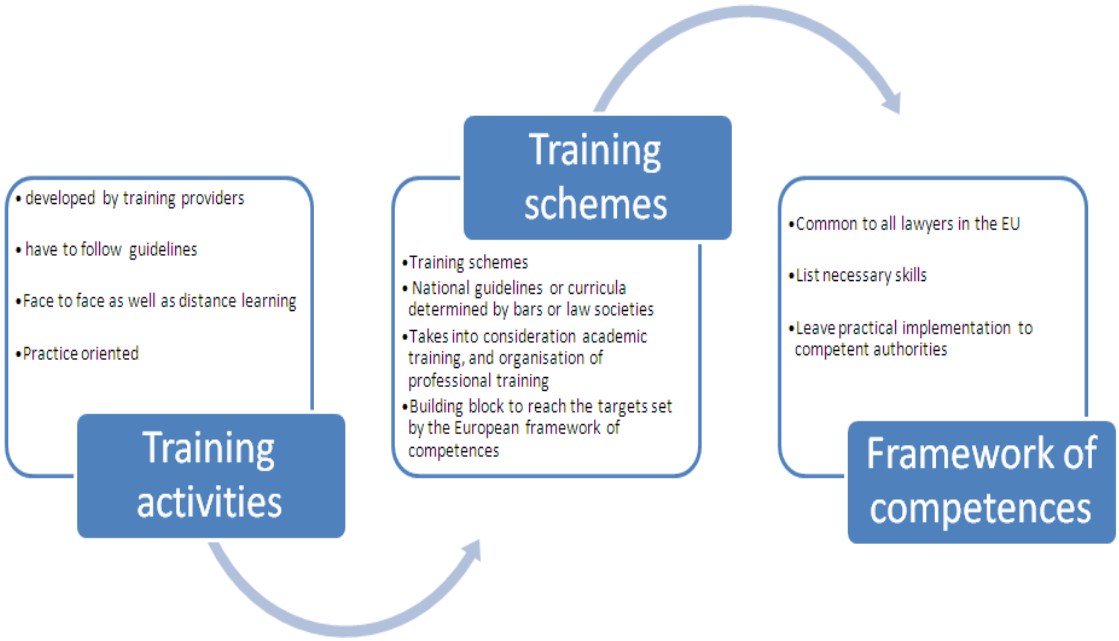
Furthermore, there are some cultural differences in the understanding of what a training curriculum is – this term is sometimes solely used for academic training, which is often simply about the theory.

To avoid those pitfalls and to ensure that any future developments of training in EU law would lean heavily in the direction of interactive and practice-oriented training activities it is possible to propose targets for competences in EU law for all lawyers across the EU. These targets can be reached through different actions at national level, according to need. Obtaining competences within a common framework would ensure better

mutual recognition. This is encompassed by the term "European framework of competences".

Bars and law societies or any other competent authorities would then be encouraged to develop regional or national training schemes to ensure that their members would be able to obtain the skills delineated in the framework of competences common to all, taking into consideration knowledge and skills already covered by previous academic training.

Publishing these training schemes would for instance allow training providers to indicate how their training activities on EU law can help lawyers to develop their skills in EU law, whether there is or not at national level an accreditation process.



This illustration provides a general explanation on how such a framework of competences could possibly work, and as indicated in the project's recommendations, work needs to be done within the CCBE to determine processes, scope and topics.

Practical support can also be provided by the European training platform[3] currently under development as a single information point to all training activities available to lawyers in the 28 Member States.

It is now necessary to

- maintain the momentum of the project by the organisation of regular meetings at EU level,
- gather regularly further data on training of lawyers in EU law, and
- share information on new developments as well as the state of play of implementation of the recommendations of the project.

[3] http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/ETP_page_EN_webpdf1_1366020262.pdf

1. Introduction

On 12 July 2012, DG Justice published a tender (JUST/2012/JUTR/PR/0064/A4) calling for project proposals for studies of the training systems of a range of judicial actors, including lawyers. This was in response to a European Parliament amendment to the 2012 EU budget which had proposed a pilot project on European judicial training: "A specific pilot project on judicial training can help fulfil the goal of building a European judicial culture, as expressed in the Stockholm Programme and in several resolutions adopted by the European Parliament in 2009/2010".

The contract to carry out Lot 2 of this tender, the study into the training of lawyers, was awarded to a consortium consisting of the European Institute for Public Administration (EIPA) and the Council of Bars and Law Societies of Europe (CCBE). The project was launched in February 2013 and finished at the end of February 2014.

This document is the final report on this project. It sets out a brief overview of the project's key objectives and activities and describes the main project deliverables (which are also annexed to this document) as well as some of the additional outputs produced. The report also explores some of the difficulties faced by the project team in carrying out this project, which have affected the quality of some of the deliverables. Finally, the report concludes with some suggestions and lessons that could be learned from this project, as well as next steps that could usefully be taken in order to build on its results.

Summary of Project: Key Objectives and Activities

The key objectives of the project, as outlined in the call for tender, were as follows:

To draw up a study comprising the following elements:

- Elaboration of a state of play of training in national legal systems and traditions as well as in European Union law and judicial cooperation procedures of lawyers in private practice in the EU,
- Definition and identification of best practices in training of lawyers in private practice in national legal systems and traditions as well as in European Union law and judicial cooperation procedures;
- Recommendations on how training and education for European lawyers, particularly in European law could be improved;
- Recommendations to promote exchanges of best practices and disseminate these best practices between lawyers' legal professional organisations and/or training providers in the EU.

The main activities that were undertaken in order to meet these objectives were:

a) A survey of national Bars and Law Societies in order to establish a comparable factual picture explaining how lawyers in different Member States are trained prior to initial qualification and what, if any, ongoing continuous training is required in order to fulfil national regulatory requirements, realised by questionnaire 1.

b) A survey directed at Bars, Law Societies and training providers (both official and commercial providers) which was designed to provide a picture of the training and education that lawyers in different Member States specifically receive in European law and practice, prior to full qualification as lawyers and any post qualification, continuous training requirements, realised by questionnaire 2.

c) A survey directed at Bars, Law Societies and training providers which was intended to identify and highlight good practices in the training of EU lawyers, realised by questionnaire 3.

d) A conference which brought together training providers, Bars and Law Societies both in order to uncover and explore in more depth good practices and to develop a culture of information sharing and exchange.

What we achieved: Main Project Deliverables

The objectives and the activities undertaken during the project, produced a comprehensive, up-to-date picture of how lawyers are trained across all EU Member States, with an additional more detailed look at the education and training received by lawyers in EU law and practice. The project covered both education and training prior to admission to the full register of lawyers in different Member States as well as post-qualification training, whether for the purpose of fulfilling formal continuous training requirements, or to obtain recognition as a specialist (in countries where this is possible) or for purely self-development reasons.

The main deliverables produced by the project were:

- A set of factsheets containing a detailed picture of the national education and training systems for lawyers on a jurisdiction by jurisdiction basis; these factsheets were established on the basis of the answers to Questionnaire one, with additional clarifications and information being provided through bilateral exchanges with national or regional contact points while drafting the factsheets,
- a factual and statistical analysis of the volume, scope and type of training and education undertaken by EU lawyers in EU law, put in the context of overall training and education available to them; the

data gathered through Questionnaire two was analysed and presented in graphs in Annex **B**. This data should be considered as a first state of play of training of lawyers in EU Law and can be used as bottom line to assess data collected in the future,

- a set of project recommendations which were designed on the basis of the needs expressed by respondents to Questionnaire three, discussions during the General Conference of 15 November 2013 as well as exchanges within the CCBE's training committee and information provided by contact points,
- examples of good practices adopted by providers of training to EU lawyers as explained in answer to Questionnaire three and/or gathered during the General Conference's workshops, a comprehensive set of contact details for training providers with an interest in EU law. These are all explored in more detail below but the project team also produced the following outputs:

a) A website (http://training-lawyers.eipa.eu/) which provides an overview of the project and access to the survey questionnaires that were used to gather information about EU lawyers' training.

b) A glossary of terms which was an essential starting point in order to ensure that survey respondents shared a common understanding of definitions and terminology.

c) A video summary of the project conference held in Brussels on 15 November 2013. This video can be used to disseminate information about the study and its main findings through another media than simple text.

d) An interactive magazine in PDF format, to allow for larger communication of the results of the study, integrating an explanation of the context, the national factsheets, the recommendations, bibliography and glossary, pictures and video. The magazine will be made available via the dedicated website mentioned above in bullet a) during the second half of May 2014 in PDF format and can be freely disseminated.

2. National factsheets

National factsheets are attached at annex A. There are a total of 34 separate factsheets (one each for most Member States, six for the United Kingdom reflecting the three separate legal jurisdictions and two formal lawyer qualifications in each jurisdiction, and two for Belgium reflecting the separate training regimes of the Francophone/German and Dutch speaking bar associations).

The factsheets contain sections on the steps required for an individual to access the legal profession and the training undertaken during the induction period. In addition they profile the continuous training systems, accreditation of training providers and the system for supervising training activities in each Member State. Collectively these factsheets therefore not only provide a useful comparable overview of how an individual can become a lawyer anywhere in the EU but also how the systems of training and education work.

A number of interesting issues arise from these factsheets.

Firstly, there is a reasonable degree of commonality, at a very general level, in how lawyers in the different Member States are trained prior to qualification. Almost all Member States require a law degree or its equivalent as a starting point. The vast majority of Member States also require some form of Bar registration, examination and induction period prior to full designation as a 'lawyer'.

There are however, significant differences regarding the ways and times during qualification when different elements must be undertaken, in particular with respect to EU Law. This means that even if the overall effect results in lawyers with broadly similar underlying training, it is not easy to compare between systems prior to qualification. This is why discussions with contact points and representatives of Bars and Law Societies have led the project team to recommend that common objectives and targets for competences in EU law for lawyers across the EU be set, rather than to promote work on a common curriculum in EU law for lawyers across the EU.

Secondly, it would appear that training systems for lawyers are a work in progress. A significant number of Member States[4] mentioned a planned or potential reform of the national training system in the coming months or years in their responses to the project survey. This suggests that whilst the database established by this project is an extremely valuable resource at present, it will become outdated before very long.

One area in which it would appear that there is quite a lot of change is in the area of continuous training after qualification[5]. Although this is not mandatory across all EU Member States, it is becoming more and more common for Bars and Law Societies to introduce such schemes. In most cases however, they are based only on the requirement to complete a set number of hours of training and are not always prescriptive on content. Only in those Member States with specialisation systems are there any prescriptions regarding contents of continuous training, in keeping with the field of specialisation chosen by a lawyer.

[4] CY, EL, ES, FR, IE, IT, MT, NL, PT, England & Wales (Solicitors)
PL mentioned a reform which took place in 2011-2012

[5] CY, IT and MT indicated that the planned reform would make continuous training compulsory.

Thirdly, the factsheets illustrate that there are important differences across Member States in the training systems – whilst in some all lawyer training is provided through the Bar or Law Society, in others training is provided through the private sector and in the case of continuous training this does not necessarily need to be accredited.

These points are all important and illustrate that even though there are well established training systems in most Member States, these systems do not always fit together, for instance, when a lawyer wants to fulfil national continuous training obligations by participating in a training activity organised in another Member State or by a European-level training provider. The project team therefore concludes that it is important to encourage developing a culture of cross border training through proactive institutional support. These observations have fed into the project's recommendations (annex C).

3. Statistical analysis

The figures and statistical analysis of the volume and type of EU training undertaken by lawyers is contained at annex B. The quality of this analysis has to some extent been hampered by the lack of data overall and from some large Member States in particular. The conclusions which the project team have drawn from responses to the underlying survey, must therefore be regarded as a starting point on which hopefully a more accurate and comprehensive picture can be built in future.

Overall, the project survey received 34 responses from 21 countries.

The most interesting points to emerge from the analysis of these responses are the following:

- Most training, whether during the induction stage or after admission, is delivered by lawyers, judges and other legal practitioners who will be drawing on their own experience of the law. The significance of this is that, if not guarded against, this might have as consequence an inbuilt tendency towards conservatism in the training process. On the positive side, this can fulfil lawyers' needs to have practice-oriented training and discussions, with professionals who have had to face the same challenges regarding implementation of EU Law into everyday cases. Developing training in EU law might be also about putting those lawyers-trainers from different Member States in contact with each other, and providing them with support through trainers' toolkits and training modules.

- Although 80% of the lawyers (when excluding data from Spain which concern a large number of trainee lawyers who do not have an obligation to participate in formal training activities in addition to their placement in a law firm) covered in the responses to the survey participated in induction training which contained EU law aspects, the majority of this training was of a very short duration (one day or less). When the project team queried this surprising finding with some Member States competent authorities, it became clear that EU training was often considered to have been 'dealt with' at the academic stage of training. This suggests to the project team that there is scope for more to be done to encourage a greater understanding of the practical application and use of EU law. Indeed, many comments included in answers to questionnaire two as well as online[6] and face-to-face discussions on training of lawyers mention that academic training in EU law is too much about theory and too little about its practical effect on legal cases and files. There might be a need to integrate the findings of the EU "Menu for Justice" project[7] and promote cooperation between higher education institutions and professional bodies to ensure a smooth transition between acquisition of theoretical elements and building-up of reflexes for practical implementation of EU law in national and cross-border real-life cases.

- The most common areas of EU law that were covered at both the induction and continuous training stages were substantive civil and commercial law. However, very little of the continuous training was identified by respondents as having an EU dimension. The project team felt that this stemmed from a misunderstanding of what was 'EU law' as opposed to 'domestic law' and this revealed the lack of visibility of EU law - a theme which recurred throughout this project. A path for improvement could be raising awareness on the European origin of many national pieces of legislation or jurisprudence, while avoiding the often heard figure of "80 % of national law is of European origin" which might even prove repelling for being at the same time too vague and not correct factually.

6 For instance Swedish, Polish or Czech blogs on the profession of lawyers.

7 Menu for Justice – Toward a European Curriculum Studiorum on Judicial Studies

- It was also surprising to discover from the survey responses that most of the continuous training undertaken in the EU is conducted on a face- to-face basis and there appear to be few e-learning opportunities in the area of EU law and practice.

- This lack of use of e-learning tools also appears in answers to questionnaire 3 regarding good practices.

  There a gap can be detected between the answers from bars and training providers which do not rate e-learning tools high as good practices and answers from individual lawyers who consider e-learning modules and online discussion forums as being normal tools for training. This discrepancy raises the questions of resources within training providers and bars for developing structured and interesting e-learning modules, or moderating or animating discussion forums. Online training tools would appear in principle as an obvious answer to the often underlined time constraints of lawyers, while face-to-face training seem to satisfy another aspect of lawyers' professional behaviour which is a great interest for the human elements and direct human contacts (with colleagues, other legal practitioners, clients, etc.). Future online training tools need to answer both needs - which can be seen as contradictory – to foster a genuine interest amongst lawyers. Blended learning could be an answer, if this concept was better known and more widely used. However, answers to questionnaires 2 and 3 show that most respondents are not aware of this possibility – or do not understand the term, even though it was defined in the glossary.

- In the light of the findings on the training systems applying in different Member States, it is perhaps not surprising that there were few examples that came to light as a result of the survey of co-operation in the provision of induction training. There was one notable example which is likely to be mirrored by others in the market of joint induction training of lawyers from different Member States undertaken by a multinational law firm. This suggests that the market has the capacity to provide intra-EU induction training in areas of commercial and competition policy activity. Indeed, we can state that since the survey targeted bars and dedicated training providers, the study was not geared towards evaluation of what is happening in terms of training within large firms. Further research could be done on that front, as many training needs may be answered that way.

- This then begs the question of whether any similar mechanisms exist for criminal law, fundamental rights and for the legal services required by ordinary citizens – none came to light during the project survey.

- Finally, it is worth noting that the surveys did reveal that EU co-funded projects have played an important role in stimulating co-operation. Nearly 170 co-funded training activities were reported in the survey and these had helped to train over 7,519 European lawyers from 2009 to 2012.

4. Recommendations

The results of both the national factsheets and the surveys undertaken on induction and continuous training were taken into account in drawing up the 20 recommendations that the project team is making from this project. These recommendations are set out at annex C. They were passed unanimously in this form by the Standing Committee of the Council of Bars and Law Societies of Europe on 24 January 2014. These recommendations are broken down into the following broad categories:

- Recommendations directed at the organisation of training systems
- Recommendations on the organisation of training activities directed at both the professions and training providers
- Recommendation on cooperation between Bars and Law Societies
- Recommendations on cooperation between training providers
- Recommendations directed at the European Union level

All of the recommendations draw on the experience and lessons learned during this project: in particular that, although training systems in many Member States are well organised, the system at an EU level is highly fragmented and there are unintentional inbuilt institutional difficulties to cooperation. This fragmentation also appears to reduce the visibility and apparent need for training in EU law and practice.

In making recommendations to address these issues we have also had to be conscious of subsidiarity and of the fact that many of the players involved are private commercial operators. As a result, many of the recommendations are exhortatory in nature, rather than compulsive and are intended to engage those who are willing and able to take further steps in cooperation.

The following recommendations are particularly important ones that are worth highlighting as they provide the foundations for significant evolution of lawyers' education and training in Europe in future:

- Recommendation 1 on the creation of a European competence framework in EU law – as our project has revealed, there is no common corpus of EU training that is shared across Member States, yet there is a presumption made in the systems for lawyer mobility across the EU that such a common basis exists. Our recommendation seeks to lay the foundations for agreement on a common framework with due regard to the independence of Bars and Law Societies. This recommendation has necessarily been couched in tentative language but the ultimate goal has met with the unanimous approval of all of Europe's Bars and Law Societies.

- Recommendation 3 on the creation of EU law 'schemes' – this recommendation is designed to create a mechanism for filling the gap that the project has identified in EU training at a national level, in the practical application of EU law, tools and instruments. The goal is to encourage European training providers and Bars and Law Societies whose systems permit it, to create recognition 'schemes' that allow lawyers to designate themselves as having particular experience or expertise in certain important areas of EU law.

- Recommendation 14 on the creation of a European level structure akin to the European Judicial Training Network – this recommenda-tion proposes the creation of a mechanism to support a greater emphasis on European level training of lawyers. Such a mechanism would need to be very different in nature to the EJTN reflecting the fact that although national training providers are well established and do not require the same kind of support as judicial training bodies,

they do need support to promote cooperation and collaboration given the entrenched fragmented nature of European systems for the training of lawyers. The need for such a structure is also designed to accommodate the fact that although a European level structure exists through which the Bars and Law Societies can cooperate (the CCBE), the nature of this body does not allow for the involvement of private sector training providers and other institutions involved in training. The CCBE is not itself a training body.

5. Good practices

A concept of "good practices" was designed at an early stage of the project to ensure common understanding of the type of data gathered. The concept pertained to practices which have shown good results in the context of training in general (training methods and organisation), training of lawyers in particular (answering specific needs) and/or training of lawyers in EU law (making EU law visible and relevant to their practice). A document was distributed which included a definition of good practices, with a list of stages in the training process where relevant as well as examples.

The definition document as well as the good practices, which have been gleaned from the project, are set out in annex D. The list includes the emails of the respondents, as it might be of interest to contact the most advanced training providers to participate in the future to meetings dedicated to describing good practices in more detail.

24 answers were received from 15 countries. They were drafted by training providers (4), bars which are also organising training activities (8), bars which are not directly involved in training their members (2) and individual lawyers (10).

Two workshops during the 15 November 2013 conference were also dedicated to discussing good practices and allowed the project team to collect additional information.

The concept of "good practices" was not always well understood by some national contact points, training providers and individual lawyers. As few good practices are known, it is important to convince people that some practices would be potentially transferable from one national training system to another.

As the project team was aware of the low level of awareness on what could constitute a "good" practice, the questionnaire was designed on the basis of description of the different stages of

organising a training activity and which aspects could be considered a good practice. This approach had a drawback as it led many respondents to simply copy-paste the examples they felt really represented a good practice, without providing any concrete examples of how it was implemented in their Member State, either at national or local level.

As legislating on what training should lawyers be receiving, how it should be organised or what training methods should be used for best results is obviously not the way to go, developing understanding of why collecting good practices is important and presenting examples of transfer of know-how – eventually from other professional sectors – need to continue, as it can be seen as an important tool to improve the organisation and design of training activities.

Contact details

Contact details for training providers with a particular interest in EU law and practice are set out at annex E.

Not all of these training providers participated actively in the project but it will be important to engage with this community over time in order to implement some of the recommendations from the project. Indeed, there is a lot of work to be done to be able to engage directly with training providers and trainers, who were unfortunately underrepresented at the General Conference of 15 November 2013.

6. Difficulties faced and how these might be overcome in future

The project team considers overall that the project has produced some useful results; however it is important to note that it had to face some difficulties which are worth flagging as they underline some of the considerations that have gone into shaping the recommendations.

First and foremost, we found that it was very difficult to obtain information from private sector training providers. This was a particular issue in countries such as Belgium and the UK where national contact points contacted multiple training providers with little result. This illustrates that unless there is an immediate commercial reason to get involved, for many private sector providers there is little interest in 'making a market'.

How can the European Commission engage private sector training providers and obtain information from them in the future? In this respect, work with DG Education and Culture might be useful as for many years

this DG has been engaged with private sector training providers in all Member States, in particular with a view of disseminating and exploiting further the results of co-funded training projects and promoting innovation in higher education and vocational training.[8]

Secondly, the responses to the survey questionnaires produced data that was difficult to analyse because it was clearly only fragmentary and this meant that there was a far higher likelihood of the picture in individual Member States distorting the overall results for the EU. As a result we would set a higher reliability on the qualitative observations of the project, which have been corroborated by multiple sources, than on the quantitative results.

The reasons for the relatively low level of responses also throw up some interesting questions.

Although in a few Member States there was too little dissemination and awareness-raising of the project by national contact points, a far more significant issue appears to have been the challenge of linguistic barriers. A large number of responses were received to the questionnaires 2 and 3 from Poland, no doubt because the national contact point had translated the questionnaires into Polish. The role of linguistic barriers is an important one that should not be overlooked as this work evolves.

Meetings at European level, such as the 15 November General Conference, might not reflect this issue as Bars took care to send representatives who were fluent in English. However, as developing training in EU law for lawyers means developing local level trainings with EU law aspects, the linguistic component of the work to be done has to be taken into consideration when for instance developing training contents.

Lastly, we would also highlight that one major conceptual hurdle in this project has been the lack of realisation amongst many parties of what is 'EU law'. This is a particular problem in relation to training in EU law for criminal defence lawyers. If there is to be follow-up work, it would be useful to focus on this area. Making visible "EU law" might also involve working with training providers to differentiate between "EU law" and its many instances of direct effect, and "International private law" for instance, which is built upon a different approach.

7. Conclusions and Suggested Next Steps

This project has revealed some interesting facts about the current state of play in the training of EU lawyers. It suggests that there is perhaps more

[8] For instance November 2013 Conference on promoting innovation

to be done to create 'a culture' of European law and practice amongst European lawyers, Bars, Law Societies and training providers.

There is a role in doing so for all of these players individually and collectively, as well as for the European Institutions.

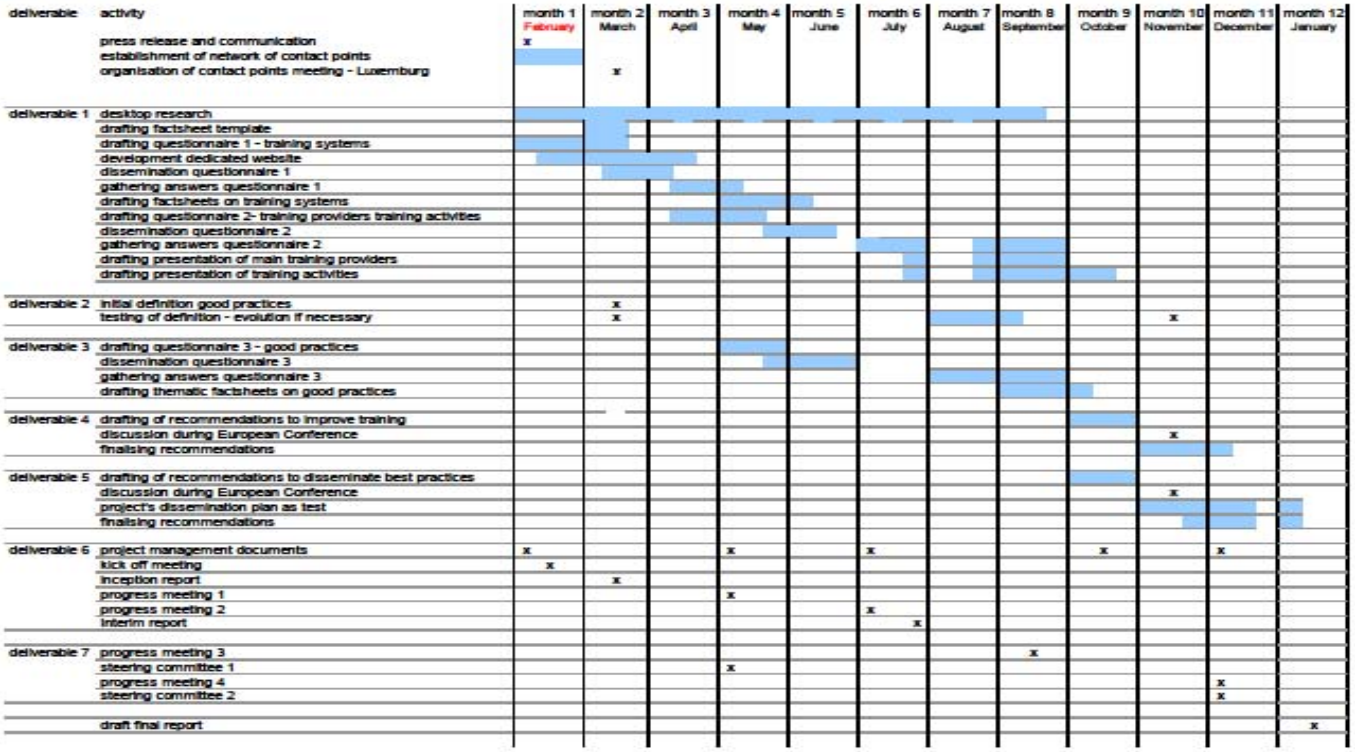
Although the project team believes that it is the responsibility of the European legal professions to lead on improvements in EU training systems and collaboration, an external catalyst is needed to help to overcome the fragmentation that exists in the system at present. The European Commission in particular has a key role to play given its ability to bring people and institutions together to create a policy dialogue and the incentives it can provide to encourage action through the deployment of its resources in the widest sense.
The European Commission's representations in Member States could for example, be encouraged to convene meetings at a national level in order to stir up greater interest in this project in countries where it has proved difficult to engage with training providers.

In addition, the Commission has the powerful tool of the e-Justice Portal and this could be extremely helpful in disseminating some of the outputs of this project, however these are currently only available in English (and partly in French).

Finally, at the very least, the project team hopes that there will be an opportunity for further engagement between the European Institutions, Bars and Law Societies and training providers directly. The project conference held in November 2013 was felt to be a great success by all those who participated in it and it underlined the need for further engagement reflecting the special position of lawyers in European society.

8. Planned schedule of the project

Lot 2 - Proposed project's schedule



Annexes

Annex A – National Factsheets

Annex B – Results of the consultation
- Questionnaires
- Results of questionnaires
- Statistical data and analysis

Annex C – Recommendations (English and French)

Annex D – Good Practices
- Definition of good practices
- Description of Good Practices gathered

Annex E – Contact Details
- List of consulted stakeholders: Contact points and main stakeholders
- List of training providers contacted in some Member States

Annex F – Updated Bibliography

Annex G – Updated Glossary

Annex H – Questionnaires one to three

Annex A – National Factsheets

The national factsheets have been updated and are provided in attachments.

The latest information received comes from Bulgaria, Denmark, France, Malta and the Netherlands.

Annex B – Results from the consultation

Annex B includes:

- The rough results of the Questionnaires as received from the contact points, not including clarifications which were subsequently obtained either by phone or by email – *these results should not be published as such as they include some misleading statements which had to be clarify through exchanges and drafting work to ensure that any published information could be understood by any reader not familiar with the training system being described*
- A Powerpoint document showing an analysis of the data through graphs
- The document below called "statistical data and analysis"

The blank questionnaires are provided in Annex H.

Statistical data and analysis

In addition to integrating in the analysis data received since November 2013 (see attached PowerPoint document), the project team has looked at the data gathered about the national training systems as described in the national factsheets and the existing information about the number of lawyers.

What proportion of lawyers trained in 2012 in comparison to the overall number of lawyers nationally?

There is a general increase of the number of lawyers in Europe, with some Member States bucking the trend.

This can be established through comparison between figures from the 2012 CEPEJ "Evaluation of the national judicial systems" – chapter 12.1, which includes mostly figures from 2010 communicated by the national ministries of justice and the 2012 CCBE figures[9].

In some cases (MT, SI) the differences might be due to a difference in reporting methods between the ministries of justice and the national bars (who count lawyers actually practicing).

For Poland, the difference is due to the recent change in judicial organisation which introduces equal competences for advocates and legal advisers in all areas of law. The only exception is that legal advisers employed on the basis of the employment contract cannot defend in criminal cases. In 2012, Croatia and Greece have not provided CCBE with figures and we are using as a consequence the CEPEJ figures.

Member States	CEPEJ Figures	CCBE figures	evolution
AT- Austria	7 510	5 500	-26,76 %
BE - Belgium	16 517	16 904	2,34 %
BG - Bulgaria	11 825	11 829	0,03 %
CY- Cyprus	2 400	2 424	1 %
CZ – Czech Republic	10 158	9 730	- 4,21 %
DE - Germany	155 679	158 426	1,76 %
DK - Denmark	5 814	5 828	0,24 %
EE - Estonia	788	792	0,51 %
EL - Greece	41 794	41 794	-
ES - Spain	125 208	130 038	3,86 %
FI – Finland/Suomi	1 843	1 927	4,56 %
FR - France	51 758	56 176	8,54 %

[9] *CCBE Lawyers' statistics 2012*

HR - Croatia	4 133	4 133	-
HU - Hungary	12 099	12 381	2,33 %
IE - Ireland	10 933	11 825	8,16 %
IT - Italy	211 962	233 852	10,33 %
LT - Lithuania	1 660	1 796	8,19 %
LU - Luxembourg	1 903	1 923	1,05 %
LV - Latvia	1 360	1 350	-0,74 %
MT -Malta	1 600	767	- 52,06 %
NL – The Netherlands	16 728	16 942	1,28 %
PL – Poland	29 469	40 555	37,62 %
PT - Portugal	27 591	27 870	1,01 %
RO - Romania	20 620	24 115	16,95 %
SE- Sweden	5 000	5 146	2,92 %
SK - Slovakia	4 546	5 296	16,50 %
SI - Slovenia	1 294	824	- 36,82 %
UK – United Kingdom	165 128	175 105	6,04 %
Total	958 656	1 019 102	6,31 %

It is also possible to use the CCBE figures to find out the number of lawyers for 100 000 inhabitants as the CEPEJ does, however this did not allow us to draw any conclusions relative to training of lawyers. We can simply see that there are differences in the national judicial organisation between Member States such as Slovenia (41,20 lawyers per 100,000 inhabitants) or Lithuania (54,42 per 100,000 inhabitants) and Member States such as Luxembourg (384,60 per 100,000 inhabitants) or Spain (283,93 per 100,000 inhabitants).

Regarding the specific situation of Italy (389,75 lawyers per 100 000 inhabitants), a study[10] published in 2013 and involving, amongst other bars, the Consiglio Nazionale Forense, mentions the number of 162, 820 lawyers. The difference in figures might reflect the difference between registered lawyers and practicing lawyers and is worth mentioning as it has important consequences for the organisation of lawyers' training in Italy.

Can these figures help put in perspective data collected about training of lawyers?

In principle, we should be able to draw some conclusions from the number of trainee lawyers having participated in training activities in 2012 in comparison to the overall number of lawyers in that Member State.

10 Profession avocat – cf bibliography

However, due to the patchy nature of data collection in most Member States, it is possible to do this analysis only for a limited number of answers, concerning Member States where the national Bar provided data which reflect the actual number of trainees nation-wide.

Member State	Number of lawyers	Number of trainee lawyers in 2012	Trainee lawyers / lawyers
CZ- Czech Republic	9 730	3 386	34.80 %
FI – Finland	1 927	123	6.38 %
HR – Croatia	4 133	787	19.04%
HU – Hungary	12 381	320	2.58%
IE – Ireland	11 825	806	6.82%
PT- Portugal	27 870	784	2.81%
SK – Slovakia	5 296	173	3.27%

As for participation in continuous training activities, there are very few Member States for which we appear to have received data covering most existing training activities. In this context, how to compare the situation in Finland where there were 2 682 participants in face-to-face training activities (for an overall number of lawyers of 1 927 – indicating that lawyers participated several times in training activities which are described as lasting from a few hours to one day) and the situation in Croatia where 340 lawyers took part in continuous training activities lasting in general two to three days (for an overall number of 4 133 lawyers)?

Can online training tools help develop training of lawyers in EU Law?

The situation regarding use of online tools for training cannot show trends due to the limited number of answers, but disparity of answers indicate varied ways of using e-learning and blended learning:

- ERA indicated having trained 57 lawyers through 3 blended learning activities
- The Law Society of Ireland indicated having trained 200 lawyers through 5 blended learning activities as well as 900 lawyers through 25 different e-learning modules
- The Spanish Bar indicated having trained 2500 lawyers through 50 blended learning activities and 2500 lawyers through 50 e-learning modules.

These three examples demonstrate that there are various ways of using online training tools; for Member States with a large number of lawyers,

online training tools are an important way of reaching out to lawyers and ensuring that they update their knowledge, and possibly their know-how.

Several training providers have indicated in their comments that work is ongoing for the construction of proper e-learning tools. Will they be built in such a way as to be interactive and user-friendly, with a view to ensuring uptake by lawyers?

Discussions on e-learning tools during the General Conference show a general awareness amongst participants of the need to have e-learning tools which are more than a collection of presentations, articles and scanned documentation.

Why so few EU Law training activities?

Answers to Questionnaire 2 show that during 80% of trainee lawyers[11] having undertaken training activities during their induction period have had some training on EU law aspects.

This can seem very positive till one looks at the number of hours dedicated to EU Law topics, which on average are less than two day (12 hours) of training. This may be due to the fact that on-the-job training is often the main aspect of the induction period, to ensure that trainee lawyers shift from a theoretical understanding of law (during academic studies) to a practical use of legal and non legal[12] lawyers tools. However it means that even if trainee lawyers have been properly trained in EU law during their studies, the practical use of it might be missing.

While academic training is out of the scope of this study, off-the-record discussions show a wide disparity in the way EU law is taught at university-level across the EU varies widely (pure theory or case studies, integrated in the criminal and civil law curricula or set apart like an exotic species, present as a compulsory topic or an option, etc.). The fact that so little time is dedicated to EU law issues explains why contact points have often mentioned that their colleagues were "afraid" of EU Law cases and why a German training session entitled "Don't be afraid of EU law cases" was attended by a high number of lawyers.

It is difficult to assess through quantitative questionnaires directed to training providers how many trainee lawyers are requested to work on real-life cases with EU Law aspects during their on-the-job training. Many contact points have mentioned that they make a point to provide their own trainees with at least one case with EU Law aspects, but it is unlikely

[11] To ensure comparability of data, we are excluding answers from Spain where there are no obligations to train during the induction period

[12] Drafting legal documents (conclusions, contracts,) communication with clients, deontology, etc.

that, in small lawyers practices, all trainees encounter such cases. And small lawyers practices make up the bulk of lawyers' practices in the EU.
Which legal cases with cross border aspects or EU law aspects on the increase[13], it appears that the needs of future lawyers regarding how to use EU law to the benefit of their clients are not fully answered.

Answers to questionnaires tend to under-evaluate the number of continuous training activities with EU Law contents. For instance, in most Member States face-to-face training activities regarding substantive civil law or substantive commercial law (including competition law) constitute a large part of the training activities, but very few of them are indicated as having some EU law-related contents. Currently, it seems impossible for instance to practice competition law without practicing EU Law.

This simple example is one of the explanations why out of 2 250 general continuous training activities only 167 (7,4 % of the whole) are listed as having some EU Law contents.

There seems to be a need to raise awareness amongst trainers about the EU law aspects that are included in their activities or should be included in them.

Some answers indicated that there was no reporting tool in place to be able to count training activities with EU Law aspects. At the same time, comments were on the whole positive, indicating that

- The amount and importance of EU-related training for lawyers is increasing
- Young people have a better knowledge of EU law as it is well taught in university

While it is possible that more than 8% of the recorded training activities do include aspects of EU Law, there appear to be a gap in the training on offer to lawyers in comparison to the importance of EU law in newly adopted legislation at national level and in direct implementation of regulations. No studies have been done about the percentage of national laws with EU law aspects. 80% figure bandied about in medias has been shown to be incorrect and an over evaluation.

Not all the training activities for lawyers are about law – they also include topics relative to non-legal skills training, management. Some of the legal training is also purely linked to the national legal context, such as training in specific national procedures.
Taking this into consideration, it is possible to assess how training activities relative to substantive law, where EU law is the most influential fare with respect to number of training activities with EU law aspects: out

[13] Due to the development of citizens and businesses mobility as well as the development of EU legislation in civil, commercial and criminal matters

of 982 reported training activities, only 83 of them are listed as including EU law aspects. The percentage increase only slightly (8,45%) in comparison to the figures regarding all training topics as mentioned above. Even making allowance for a lack of visibility of EU law aspects, it shows that further work needs to be done to ensure that lawyers across the EU participate in training activities presenting clearly the EU Law aspects of a specific legal question, in a practical manner, with a view to helping lawyers to develop the necessary skills to automatically compare national implementation legislation to the original EU legislation and thus ensure a

First, visibility of EU Law in the training activities for lawyers should be increased. Some comments proposed to include quotas of EU law in continuous training requirements, which, however, would be possible in many Member States only if internal Bar regulations or even State law was modified.

It is also worth noting that in some cases, EU law and international law are not differentiated, which further decreases the visibility of EU Law and its specific implementing processes. One example found online shows that while the one-day training will include presentation of "Brussels IV" aka, the Succession Regulation – not yet implemented - nothing is done to underline its specificities in regard to other types of international private law aspects.

In the answers to the questionnaires 2 and 3 as well as comments during the General Conference, it was mentioned that the study raised awareness about the importance of knowing how to work with both national and EU Law. It is worth asking how to maintain this interest and how to induce training providers to put in place reporting processes to ensure proper collection of data in the future. During the Conference, the yearly collection of data by the European Commission was presented as an exercise in awareness-raising. It underlines the necessity for training providers to establish data collection process in order to answer such surveys and increase their own visibility. Training providers and Bars are slowly becoming aware that data collection in the field of training of legal practitioners is not a one-off.

Secondly, trainers should be encouraged to increase their own understanding on how EU law interact with national law and the practical implications of these interactions for the defence of clients. Some answers to Questionnaire two indicate that there are not more training activities with EU law aspects due to a lack of local expertise in the matter. Two answers from individual lawyers to Questionnaire three indicate a dissatisfaction with existing EU law training activities as being too much about theory and not enough about practical use.

Existing support for trainers is not widely known – whether it is the existence of online pedagogical material, the possibility of using EU

financial programmes to support crossborder exchanges of trainers or the means to present proposals for EU co-funded training activities.

All answers received from training providers show that access to information on such matters is lacking, that information is not even sought due to the widespread belief that access to EU financial programmes is too complex.

Cross-border cooperation is seen as a difficult process

Most examples of cross-border cooperation were reported by or involved ERA which is a European-level training provider and organised to ensure possibilities of cross-border cooperation. Reported cross-border training activities all received EU-level co-funding support.

Many respondents, who did not report any cross-border activities, underlined in their comments the difficulty in finding the right partners and the complexity of participating in European-level calls for proposals – even the difficulty in knowing they exist and how they work.

In comments to answers it seems that the first difficulty is finding partners in other Member States which can participate in the same project. Respondents sometimes consider that national issues are so prevalent that it is difficult to imagine a cross border training activity.

Building cross border projects involving just trainers, with a view of providing them with the tools and expertise to enable them to develop afterwards national training activities with EU law aspects do not seem to have been considered by respondents.

Annex C – Recommendations

Recommendations for the future organisation of training for lawyers in European law and practice

Preamble

Having regard to the

- Interim Report of the CCBE on the harmonisation of the training of lawyers in Europe – Frieders programme of 20 February 1998
- CCBE Resolution on training of lawyers in the European Union of 25 November 2000
- CCBE Analysis and Guidance on the *Morgenbesser* decision of January 2004
- CCBE recommendations on Training outcomes for European Lawyers of 23 November 2007
- CCBE Charter of Core Principles of the European Legal Profession and Code of Conduct for European Lawyers, January 2008
- CCBE recommendations concerning 'The Stockholm Programme (2010-2014) on the further development of the Union's area of freedom, security and justice' of 16 October 2009
- CCBE comments on European Legal Training of 22 October 2010
- CCBE response to the European Commission consultation of stakeholders on European Judicial Training of 21 January 2011
- CCBE Resolution on continuing legal education of 29 November 2013
- European Parliament Resolution of 17 June 2010 on judicial training P7_TA(2010)0242
- Communication COM(2011)551 Final "Building trust in EU-wide justice: a new dimension to European judicial training"
- Council conclusions on European Judicial Training of 19 October 2011-15690/11
- Interim results of the Study based on answers to Questionnaires 2 and 3 and the results of the General Conference of 15 November 2013

A. Organisation of training systems by the professions

Recommendation 1: A Recommended Curriculum on EU law?

The EU Lawyers Directives presuppose a significant shared core of EU legal knowledge and practice, which allows lawyers to move around the European Union. It is thus important to have a shared understanding amongst lawyers and Bars and Law Societies of underlying EU knowledge and related skills any EU lawyer should possess.

There should therefore be scope for some convergence in the content/outcomes of the training of lawyers in EU law and practice in order to promote confidence in the qualifications of lawyers from other Member States.

It is recommended that the CCBE promote a dialogue amongst Bars, Law Societies and other competent authorities with a view to obtaining an agreement on the EU-related outcomes of the training process in EU law that all European Union lawyers should possess on their entry into the profession.

This could, for example, include a shared understanding of the required:

- Knowledge of the legal order, procedures and institutions of the European Union
- Knowledge of main doctrines of EU law (principles of supremacy, direct applicability and direct effect) and the methods of interpretation used by the Court of Justice of the European Union
- Knowledge of the legal order and procedure of the Court of Justice of the European Union
- Knowledge of the EU's decision-making process
- Knowledge of how to find, research and use EU law
- Practical advocacy skills regarding the EU institutions
- Ability to recognise the relevance of EU law even in domestic practice
- Knowledge of substantive EU law relevant to the lawyer's own area of practice
- Knowledge of the relative responsibilities of EU institutions and national authorities in relation to various instruments (for example, regarding the European arrest warrant)
- Implementation of EU law into national law in comparative national terms
- Knowledge of basic procedural and alternative dispute resolution systems within the EU
- Knowledge of the legal order and procedure of the European Court of Human Rights

Recommendation 2: Formalisation of points of exchange at entry stage

Although the *Morgenbesser* judgement and the Professional Qualifications Directive will make it easier for professionals to move between training systems, there is still scope to provide additional useful information which will assist competent authorities in fulfilling their responsibilities of assessing individual applications, whilst also making it easier for European nationals to transfer between systems, without undermining the national qualification process.

The final report of the study into the training of EU lawyers includes a set of national factsheets containing information on the criteria for entering each profession at a national level, the organisation of any induction period and other initial and continuous training obligations.

In order to assist in the mobility of aspiring entrants to the profession:

2.1 It is recommended that the CCBE reflects on how this information can be used and disseminated through its members and other European Networks such as the European Network of Public Administrations[14], the SGroup[15], UNICA[16] or EUCEN[17] in the higher education sphere, in order to make the options which might be open to individuals wishing to move between Member States more visible.

2.2 It is recommended that the European Commission informs the national offices of the Europe Direct network of the existence of these factsheets as soon as they are available on the European e-Justice Portal.

Recommendation 3: Encourage creation of EU law knowledge and skill-based schemes

Qualified lawyers find it increasingly useful to demonstrate that they possess some advanced knowledge or skills and this has helped to drive the demand for specialised LLM degrees. However, as these qualifications generally focus on academic knowledge rather than practical skills, there is scope for new schemes that recognise skills in European legal practice.

14 EUPAN : http://ec.europa.eu/civil_service/audience/nat_admin/epan_en.htm
15 SGroup: http://sgroup.be/
16 UNICA : http://www.unica-network.eu/
17 EUCEN : http://www.eucen.eu/

In order to increase the portability of skills and mutual trust in the practical application of EU law:

3.1 It is recommended that the CCBE works towards the elaboration of a framework of competences[18] in important areas of EU law where there are practical tools to be used as well as a body of legal knowledge to be acquired. Such a framework could be agreed upon by interested CCBE members as a basis for mutual recognition.

3.2 Further to such work by the CCBE, it is recommended that interested Bars and Law Societies/competent authorities could participate in the development of training schemes based on these competences.

3.3 It is recommended that training providers organise training courses to fulfil the requirements of these training schemes, which could then be recognised in those Member States where this is possible.

B. Organisation of training activities by the professions and training providers

Recommendation 4: Increase in practical and skills-based training in the pre-qualification stage (induction period phase)

Modern theories of learning emphasise the importance of practical hands-on experience, but many pre-qualification processes for lawyers in Europe are dependent on classroom activities.

Although this cannot be made a requirement, given the different parties responsible for legal education and training in different Member States, the sharing of practical experience should be encouraged.

In order to raise the quality of legal education and support for Bars and Law Societies who are in the process of developing training systems, and for Bars and Law Societies in accession states, it is recommended that Bars and Law Societies develop guidelines regarding training methodologies and publicise them to ensure that the training providers have access to tried and tested training content and methods. This work should be facilitated and coordinated by the CCBE.

[18] A framework of competences would indicate which competences (or skills) have to be obtained by lawyers throughout the European Union while respecting the balance between the national or regional systems of academic training, conditions for access to the profession and continuous training. A framework of competences would enable lawyers to have common targets for practical and measurable common competences in EU Law. This term and process was preferred to setting up a common curriculum, in particular in some EU countries, curricula can be understood to be more about the theory than the practice.

Recommendation 5: Improve mutual recognition of continuous training activities

In the light of the fact that the CCBE Code of Conduct encourages the improvement of trust, mutual confidence and cooperation between European lawyers by extending their knowledge of each other's national procedures and laws and by encouraging participation in the training with lawyers from other EU Member States, action should be taken with a view to:

i) Avoiding the imposition of additional burdens on migrant EU lawyers who are sometimes required to fulfil training obligations in more than one Member State

ii) Facilitating the participation of lawyers in training in other Member States in fulfilment of their national training obligations[19]

iii) Encouraging the participation of lawyers from several Member States in the same training activity.[20]

In addition to the recommendations contained in the CCBE Resolution on Continuing Legal Education of 29 November 2013- text thereafter, the following additional actions are recommended:

5.1 Bars and Law Societies or the relevant competent authorities should work towards recognising the continuous training undertaken by their lawyers in fulfilment of the requirements of host Member States and, where possible, set these off against their own requirements.

5.2 The CCBE should lay down a procedure through which this can take place on a voluntary basis between Bars and Law Societies/competent authorities, drawing on existing good practice.

5.3 Where accreditation systems exist, it is recommended that Bars and Law Societies facilitate the participation of lawyers in training activities in other Member States, for instance by giving credit against home national obligations.

5.4 It is recommended that the CCBE analyses how to accredit EU law related training activities in such a way that it is not necessary for training providers or for lawyers to apply for accreditation in each Member State which has an accreditation system and from where lawyers might attend.

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19 The CCBE project on a European Training Platform (ETP) (see recommendation 16 for more information on the project) will promote training of lawyers across borders.

20 See footnote 5.This footnote does not make any sense, sorry. Why a reference to an article of the bibliography that tackles other issues? Moreover, this requires opening the electronic version of the report to be able to then go online and read the document (and then realize that there is no link). => not user friendly...

Recommendation 6: Improve quality and relevance of training activities on EU law

Assessment of existing training activities, including EU Law elements, shows big differences in the quality of the activities as well as the relevance they have for the everyday practice of lawyers.
Even Bars and Law Societies which are not directly involved in the organisation of training activities have a vested interest in promoting high quality training of their members.

It is recommended that each Bar and Law Society encourage national training providers in its jurisdiction to undertake measures to ensure that:

- Training activities with EU Law aspects are practice-oriented and truly answer the needs of their members
- Training activities are assessed after taking place and the results of this assessment are used to improve the quality of future activities
- Information about training activities is easily accessible to their members[21]
- Training activities include skill-oriented activities such as advocacy and drafting skills, but also fluency in the use of IT and web-based resources.

C. Co-operation between Bars and Law Societies, both at local or national level

Co-operation between Bars and Law Societies is an essential part of many of the other recommendations contained in this document and in some cases will depend on the role that they play within their own national systems. However, the following recommendations specifically address cooperation between Bars and Law Societies, regardless of their formal role in the training system.

Recommendation 7: Encourage familiarisation programmes

Bars and Law Societies can play a role in developing and organising short term familiarisation programmes with each other's legal systems and courts. These familiarisation programmes would be particularly useful as part of the induction period training in the Member States where such periods exist.

[21] The ETP will provide comprehensive information about legal training courses available in Europe (see recommendation 16 for more information on the project).

This kind of activity is already often undertaken by many Bars and Law Societies at different levels in different Member States but could usefully be further formalised.

It is recommended that action plans regarding bilateral or multilateral familiarisation programmes are shared by CCBE members with a view to early collaboration.

Recommendation 8: European Institutional study visits

The European Commission's Visitors' Centre[22] regularly organises a half day, one day or longer visits for groups. It is possible for professional organisations to set up tailored information visits around specific topics by indicating the details of their interests to the Visits Department. Visits are also possible to the Council.[23]
The Court of Justice of the European Union also organises many visit programmes for legal professionals each year.[24]
To increase understanding of the Institutions and improve cooperation between lawyers in EU Member States, it is recommended that interested Bars and Law Societies organise joint study visits in cooperation with one or several bars from other Member States to familiarise their lawyers with the EU institutions and bodies.

D. Co-operation between training providers

Training providers, whether they are part of Bars and Law Societies or not, can be encouraged to cooperate more deeply in order to increase the European competence of lawyers.

Recommendation 9: Creation of cross-border practical case studies in EU law using new technologies

Many training providers have developed their own static case studies which draw on practical examples of EU problems in order to help lawyers to hone their abilities to give sound and effective legal advice to clients.
In the age of the internet, it should be possible for training providers to develop such case studies in a more dynamic setting to more closely simulate real life experience of cross-border problems. Such case studies would be expensive and complex to create but could perhaps be developed and deployed at an annual event, not dissimilar to a mooting competition - but one which took place remotely, for instance through the use of videoconference equipment.
To maximise the number of lawyers trained in EU law and to increase collaboration:

22 Tailored study visits: http://ec.europa.eu/visits/index_en.htm
23 Study visits of the Council: http://www.consilium.europa.eu/contacts/information-visits-to-the-council?lang=en
24 CJUE programmes of visits: http://curia.europa.eu/jcms/jcms/Jo2_7019/#groupes

9.1 It is recommended that the European Commission specifically support through its financial programmes projects which take full advantage of the new possibilities for dissemination of training programmes opened by new technologies.[25]

9.2 It is recommended that national or European funded developments of e-learning tools are improved through the publication of guidelines and technical specifications to ensure that the e-learning modules provide the users with a truly interactive and practice-oriented learning experience.

Recommendation 10: Exchange of students

Professional training providers involved in the training of future lawyers should be encouraged to evaluate how their students can benefit from participating in each other's courses and to identify the barriers to doing so.

10.1 It is recommended that Bars and Law Societies obtain and disseminate information about the existence of the Erasmus Mundus Programme[26] which supports mobility of post-graduate students, teachers and university staff.

10.2 It is recommended that Bars and Law Societies develop contacts with their national Leonardo da Vinci contact points[27] to ensure that trainee lawyers and newly recruited lawyers can benefit to the full from the existing EU programmes.

E. Support at European level

Recommendation 11: Seed funding for joint projects on EU Law

Whilst legal training and education should ultimately be a matter for Bars and Law Societies and lawyers to organise amongst themselves, some initial seed corn funding to encourage multiple Bars and Law Societies and/or training providers to develop modular training programmes that could be used and adapted for multiple Member States is useful.

As the amounts available through DG Justice financial programmes are limited and are subject to conditions which might not be suitable for all training projects, it is important to promote other funding possibilities.

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25 The ETP is a good example of the European Commission providing funding to projects on training which make use of new technological tools.

26 Erasmus Mundus Programme: http://eacea.ec.europa.eu/erasmus_mundus/

27 Leonardo da Vinci – national agencies - http://ec.europa.eu/education/lifelong-learning-programme/national_en.htm

There are several EU-level financial programmes which can be used to support such activities, but not all of them are well known to Bars and Law Societies. The study shows that some Bars and Law Societies have made use of the European Social Fund (ESF) to support national training activities in EU Law, while others have obtained support from life-long-learning calls for proposals and national agencies, but the opportunity for obtaining such support could be better promoted to all CCBE members. To promote greater access of lawyers to EU training:

11.1 It is recommended that CCBE engage with the European Commission to present to its members all funding possibilities (including cascading grants) and the conditions for accessing them as soon as the new 2014-2020 financial programmes are adopted.

11.2 It is recommended that national Bars and Law Societies encourage their governments to take advantage, if appropriate in a national context, of the potential inclusion of "justice" in national ESF priorities to ensure that capacity building activities - which include training - can be funded at national level under this programme in the coming years.

Recommendation 12: Placements in EU institutions and bodies

The EU institutions are well established in taking *stagiaires*, but the qualification processes for lawyers in most Member States do not lend themselves well to participation of lawyers in the standard training period.

It would therefore be more useful both for the individual lawyers concerned, but also for the EU Institutions, if discussions could be held between CCBE and the EU institutions on the possibility for a specific number of trainee lawyers as well as qualified lawyers be recruited as atypical trainees in the EU institutions each year.

To promote the number of lawyers with direct experience of the EU institutions, it is recommended that CCBE engage with the European Institutions to determine the possibilities and criteria for recruitment of trainee lawyers and qualified lawyers as atypical trainees within the EU institutions, especially in Institutions' legal services.

Recommendation 13: Support from the Court of Justice of the European Union (CJEU) through use of new technologies for wider access to CJEU hearings.

Many lawyers would be better able to litigate in front of the CJEU to the benefit of their clients, training providers would be better able to present well designed face-to-face and e-learning trainings if they could

benefit from direct access to CJUE hearings through the use of web streaming, on the model of what is done at the European Court of Human Rights.

The new generation of lawyers would be more interested in EU law and more aware of their role in implementing its different aspects if they could, from university level, remotely watch CJEU court hearings.

To promote understanding of the CJEU and its proceedings:

13.1 It is recommended that the CCBE and the European Commission engage with the CJEU to demonstrate the importance of web streaming CJEU hearings for the improvement of general judicial culture.

13.2 It is recommended that the CJEU establish a project to enable web streaming of their court hearings on the Curia portal.

Recommendation 14: Creation of a dedicated European structure regarding training in EU law and exchange of lawyers

In order to contribute to the EU's objective to train 700,000 legal professionals in EU Law by 2020, the CCBE considers that a structure for lawyers that mirrors the European Judicial Training Network (EJTN) could be very helpful.

A structure which favours the exchange of lawyers or which facilitates lawyers' training in EU Law at the European level does not exist at present. Such activities are undertaken for judges and prosecutors by EJTN. The CCBE considers that, with support from the EU (both politically and financially) similar to that which the EJTN receives, the CCBE might be able to develop these tasks on its own or by delegating them to a CCBE-dependant structure.

To promote an ongoing dialogue on training:

14.1 It is recommended that the CCBE determine precise objectives and processes for such activities and presents the project to the European institutions for political and financial support.

14.2 It is recommended that such a structure - recognising the principle of subsidiarity - should support the training of lawyers at all levels - European, national and local - with concrete actions supporting the needs of existing training providers, for instance by helping to develop a European pool of expert training and speakers in EU law, how EU law can be implemented into national law, legal terminology as well as comparative law.

14.3 An annual EU training conference should be organised, in cooperation with the European Parliament and the European Commission, along the lines of the General Conference of 15 November 2013, in order to maintain the cooperation and engagement of Bars and Law Societies and training providers in the training of lawyers in EU law.

14.4 This training conference should be used as an opportunity to update the statistical and factual picture on training of lawyers in EU law.

F. European law content

Recommendation 15: Online access to EU Law training materials and information (linked to or part of the e-Justice portal)

Discussions during the General Conference of 15 November 2013 underlined that access to quality content on EU Law is particularly difficult in small jurisdictions. Training content, seminar and conference documents and other material could be freely accessible online, to ensure that training providers in all Member States have access to quality documents to reinforce the EU Law aspects of their training activities.
In order to increase access to quality training content on EU law, it is recommended that the European Commission continues to put at the disposal of training providers training material on the practical implementation of EU Law by publishing them online.

Recommendation 16: Online access to information about training in EU law

In countries where the number of lawyers wishing to participate in training activities with EU Law aspects is relatively small, online access to information about training would be particularly useful and the promotion of European law content for training activities could be undertaken by providing information about EU training activities organised by other Bars and Law Societies and by other qualified training providers.

In this context, the European Training Platform (ETP), a CCBE project co-financed by the EU, will remedy the lack of comprehensive information about legal training courses available in different jurisdictions. It will consist of an IT platform which will provide information about courses for lawyers in a cross-border context. The system is intended to allow a custom search according to predefined search fields (such as title of the course, venue, date, language, continuing education accreditation and practice area), which will make it easier for lawyers to find a training course tailored to their needs.

In order to increase opportunities for lawyers to participate in training in EU law, it is recommended that the European Commission takes into considera-tion the findings of the ongoing CCBE project – the European Training Platform – and ensures its sustainability after the end of the project by inte-grating it into the European e-Justice Portal project.

Recommendation 17: Tackling linguistic issues to support e-Learning

Most of the training material on EU law available in an open manner has been published mostly in English and sometimes also in French and German. More could be done to assist the translation of EU law materials into e-learning formats. This could include: e-learning courses, seminars and conferences, recorded trials that could be used in webinars, online demonstrations on the use of existing and/or upcoming internet-based research tools (e.g. EUR-Lex).

17.1 It is recommended that Bars and Law Societies work with training providers to encourage these to re-use existing training materials, once quality has been assessed, and make them available to lawyers in other EU languages.

17.2 It is recommended that Bars and Law Societies work together within CCBE and organise opportunities to share and exchange quality training contents on EU Law.

17.3 It is recommended that when the European Commission tenders for the development of training content, this should be developed in such a way as to make them compatible with use in e-learning platforms, even possibly through MOOC[28] platforms.

17.4 It is recommended that when the European Commission tenders for the development of training content, additional EU languages should be covered.

Recommendation 18: Access to legal dictionaries

Lawyers who possess even a good working knowledge of another EU Member State language may nonetheless find that the technical nature of some legal terminology is a barrier to their ability to effectively represent their clients.
It is recommended that Bars and Law Societies bring to the attention of their members the existence of online legal dictionaries of the type used by jurist-linguists in the European Institutions, accessible through the European e-Justice portal[29], during events and training activities.

28 MOOC: Massive Open Online Course

29 Glossaries and terminology – European e-Justice

Recommendation 19: Optional EU level module on appearing before the Court of Justice of the European Union (CJEU)

Citizens will only have true access to justice at a European level if they are represented by lawyers who are competent and effective in their submissions to the Court of Justice of the European Union.

19.1 It is recommended that Bars and Law Societies encourage those responsible for training of lawyers to disseminate to their members information about any training activities relating to EU litigation, which may or may not be accredited, which could be provided online or in person.

19.2 It is recommended that the CCBE engages with the CJEU to ask for involvement of representatives of the CJEU in the development of training contents regarding litigation in front of the CJEU.

19.3 It is recommended that the CCBE engages with the CJEU to increase its pool of expert trainers on this topic.

Recommendation 20: Presentation of EU law content in training activities

Results of the questionnaires and discussions during the General Conference of 15 November 2013 show that EU law in itself is not perceived as relevant to the vast majority of practitioners.

In order to promote understanding of the relationship between national law and EU law training:

20.1 It is recommended that training providers pay close attention to drafting the titles of training courses in EU law in order to present the practical implication of the topics to be covered.

20.2 It is recommended that training providers make visible in the description of the content to be covered during the training activity the EU law aspects and their relevance to lawyers' practice.

20.3 It is recommended that Bars and Law Societies include some practical advice on communicating the issues around EU Law aspects in training activities, through the use of guidelines or technical specifications, with a view to working with training providers to increase the quality and relevance of lawyers' training.

Table of recommendations

Addressed to	N°	General topic	summary
CCBE	A1	Organisation of training systems	CCBE to work with all stakeholders involved in training lawyers to establish list of common topics in EU law to be included in the qualifications in lawyers
	A2.1	Organisation of training systems	CCBE to disseminate information on organisation of national training systems
	A3.1	Organisation of training systems	CCBE to work towards the elaboration of a framework of competences in EU Law which would constitute a list of training objectives for all training systems
	B4	Organisation of training systems	CCBE to facilitate the establishment of training guidelines by Bars & Law Societies
	B5.2	Organisation of training activities	CCBE to establish a procedure for mutual recognition of continuous training activities between Bars & Law Societies
	B5.4	Organisation of training activities	CCBE to analyse how to accredit EU law related training activities to avoid repeat accreditation procedures in each MS
	E11.1	Support at European level	CCBE to work with the European Commission to ensure that its members increase their knowledge about funding possibilities
	E12	Support at European level	CCBE to work with the European institutions to develop possibilities for recruitment of stagiaires amongst trainee and qualified lawyers
	E13.1	Support at European level	CCBE to engage the CJEU regarding webstreaming of court hearings
	E14	Support at European level	CCBE to set objective and processes for a European structure dedicated to developing training of lawyers in EU law
	F16	Support at European level	CCBE to continue developing the European Training Platform as single point of access to information on existing training activities for lawyers
	F19.2	Support at European	CCBE to ask CJEU for involvement in development of training

		level	contents regarding litigation in front of the CJEU
	F19.3	Support at European level	CCBE to work with CJEU to establish a pool of expert trainers regarding litigation in front of the CJEU
Bars and law societies	A1	Organisation of training systems	Bars to work with CCBE and all competent authorities to establish list of common topics in EU law to be included in the qualifications in lawyers
	A3.2	Organisation of training systems	Interested bars to participate in the development of training schemes to help lawyers obtain competences in EU law
	B4	Organisation of training activities	Bars to develop guidelines on relevant training methodologies and contents for Training Providers (TP)
	B5.1	Organisation of training activities	Bars to work towards recognition of training activities undertaken in other MS
	B5.3	Organisation of training activities	Bars to facilitate participation of their members in training activities in other MS by including them in their accreditation system where it exists
	B6	Organisation of training activities	Bars to work with TP to develop quality and relevance of training activities
	C7	Cooperation between Bars and Law Societies	Bars to help in developing short term familiarisation programmes regarding each other's legal systems
	C8	Cooperation between Bars and Law Societies	Bars to organise joint visit studies to the European institutions
	D10.1	Cooperation with TP	Bars to disseminate information about existing EU programmes for mobility of students, teachers & university staff
	D10.2	Cooperation with TP	Bars to work with national Leonardo da Vinci contact points
	E11.2	Support at European level	Bars to lobby national government to establish "justice" as priority for use of European Social Fund
	E17.1	Support at European level	Bars to work with TP for the reuse and translation of training material
	E17.2	European law contents	Bars to work together to share quality training materials
	E18	European law contents	Bars to inform their members about existing online legal

			dictionaries
	E19	European law contents	Bars to inform their members about training activities relative to EU litigation
	E20.3	European law contents	Bars to include in guidelines practical advice on how to communicate about EU law aspects in training activities
Training providers (TP)	A3.3	Organisation of training systems	TP to organise training activities design in the context of training schemes allowing lawyers to reach objectives established by a CCBE's supported framework of competences in EU law, once it has been established
	D9	Co-operation between TP	TP to develop case studies to crate real-life experience of cross-border problems
	D9.1	Cooperation between TP	TP to present proposals for dissemination of training programmes through new technologies for EU funding
	D10	Cooperation between TP	TP to evaluate how their students can participate in training activities in other MS
	E13	Support at EU level	TP to use web-streamed CJUE hearing as training materials, once this is organised
	E14.4	Support at EU level	TP to provide data on their training activities with EU law aspects
	E15	Support at EU level	TP to use training material on EU law put at their disposal online by the European Commission
	E16	Support at EU level	TP to advertise their training activities through the CCBE's European Training Platform
	F17	European law contents	TP to re-use and translate available EU law training materials
	F17	European law contents	TP to develop training material on EU law compatible for use on e-learning platforms
	F20.1	European law contents	TP to design attractive titles to training activities with EU law contents
	F20.2	European Law contents	TP to indicate in the description of their training activities the relevance of EU law aspects to lawyers day-to-day practice

European Commission	A2.2	Organisation of training systems	EC to disseminate information about factsheets on training systems once available online
	C8	Support at European level	EC to help organise training visits
	D9.1	Support at European level	EC to support projects which include dissemination of training programmes using new technologies
	D9.2	Support at European level	EC to help with development of practice-oriented e-learning modules
	E11.1	Support at European level	EC to work with CCBE to inform Bars on all funding possibilities
	E12	Support at European level	EC to work with CCBE regarding having trainee or qualified lawyers as stagiaires
	E13.1	Support at European level	EC to work with CCBE to encourage development of webstreaming of CJEU court hearings
	E14.3	Support at European level	EC to work with CCBE or European structure dedicated to training of lawyers in EU law to organise a annual EU training conference
	E15	Support at European level	EC to continue to put at the disposal of all interested parties training material on EU law
	E16	Support at European level	EC to take into consideration and build upon the results of the European Training Platform project
	E17.3	Support at European level	EC to tender for development of training contents for use on e-learning platforms
	E17.4	Support at European level	EC to include linguistic diversity in such tenders
Other EU institutions	C8	Support at European level	EP, Council and CJEU to welcome study visits organised by Bars or TP for lawyers
	E13	Support at European level	CJEU to establish a project to develop webstreaming of its court hearings
	F19.2	Support at European level	CJEU to work with CCBE regarding development of training contents on litigation in front of the CJEU

Annex D – Good Practices

I Defining « good practices » in the field of professional training of lawyers

"Good practices" is a very generic concept which can pertain to different aspects and stages of the preparation, organisation and implementation of professional training of lawyers:

1. Collection and analysis of training needs
2. Definition and description of the objectives and structure of training activities
3. Dissemination of information on training activities. This stage reviews the extent to which training providers successfully reach their intended target group – for the purpose of this survey - lawyers
4. Use of relevant training methods to achieve the training objectives, including to promote implication of the participants in the training activity and ensure relevance to their practical needs
5. Use of IT tools to develop e-learning, exchanges in the community of learners, and blended learning
6. Evaluation of the training itself and of the results of the training activity in terms of acquisition and application of knowledge, as well as of know-how

As the survey is specifically focused on training on EU law, additional aspects should be added:

7. Integration of EU law elements in training activities – where relevant – with a view to showing their relevance to lawyers' practice.
8. Use of training as a means to promote and facilitate cross border co-operation and mutual trust

Using criteria to define good practices

Different criteria should be used to determine whether a specific aspect of the organisation and implementation of an activity related to professional training of lawyers is a good practice.

When searching for objective criteria, we should be looking beyond the basic actions and practices needed simply to organise a training activity. Rather we should looking to processes, actions, behaviours, etc., which will lift, at least slightly, a training activity to more than a "run-of-the–mill" training activity in the specific context of training of lawyers.

This is why the criteria proposed may appear to include processes, actions or behaviours, which are unusual or which have never been encountered by the reader.

For instance, it is taken as a given that organising a training activity implies establishing a list of participants or asking for feedback on the activity at the end of it. Such actions are not enough in themselves to present a training activity or a training related process as a good practice. However, it may be considered a good practice if a system is in place that also assesses the results of a given training activity.

Training providers, bars and individual lawyers can use **some of the below-listed criteria** to describe how and why one or several aspects of a specific training activity or training-related activities should be considered as good practice. It is not necessary to use all the criteria. It is not necessary that a training activity includes all the criteria listed as relevant to a specific aspect of training preparation, organisation or implementation to be presented as a good practice.

Training providers, bars and individual lawyers can also decide to use their own criteria, but should describe them in detail and explain why they are necessary.

A. Collection and analysis of training needs

This stage implies that the training provider has put in place processes for

- Structured and regular collection of the needs of the intended audience
- Evaluation of gaps in the existing offer
- Integration of legislative and jurisprudential evolutions
- Where possible assessment of societal changes to transform the offer (exceptional)
- Ex-ante collection of participants' questions to adapt the objectives of a specific training activity

B. Definition and description of the objectives and structure of training activities

- The training provider has given to the participants a detailed description of the structure and objective of the training activity, including how it takes into consideration needs of the audience and/or recent legal and societal trends

C. Dissemination of information on training activities towards a specific target group

- Establishment of a pro-active dissemination campaign for a specific training activity targeting lawyers
- Development of new dissemination tools
- Development of a new dissemination strategy, using traditional and modern means, such as those offered by the web 2.0 (interactive use of web tools)

D. Use of relevant training methods to achieve the training objectives, including to promote implication of the participants in the training activity and ensure relevance to their practical needs

- Match between learning needs and training methods
- Use of learning methods, which combine the transfer of knowledge with transfer of practical know-how and experience to apply the
- Peer training, combining practitioners' experience and relevant training methods

E. Use of IT tools to develop e-learning, exchanges in the community of learners, and blended learning

- Development of structured e-learning tools

- Development of interactions between learners through the use of moderated cooperative platform
- Integration of e-learning and traditional learning tools

F. Evaluation of results of the training activity in terms of acquisition and application of knowledge, as well as of know-how

a) Post training assessment of the knowledge or know-how of learners allowing not only a direct reaction of the learners (step one in the KirkPatrick model[30]), but also evaluation of
   - the understanding (what facts, techniques, methods of work were mastered as an outcome of the training)
   - the behaviour (how did the participants' behaviour and actions in the work environment change as an outcome of the training)

b) Implementation of an evaluation action in relation to the real results of the training session, i.e. which of the obtained results of the training are important for the future work of the participants.

G. Integration of EU law aspects in training activities – where relevant – with a view to showing their relevance to lawyers' practice.

- Combination of theoretical knowledge on EU law with practical experience of implementation
- Development on know-how on European judicial procedures, such as procedures in front of the Tribunal or the Court of the European Union
- Development of national law training including a well-defined session on its links with EU legislation and jurisprudence

H. Integration of EU law aspects in training activities with a view to promoting crossborder cooperation and development of mutual trust.

- Moot court cases integrating aspect of EU Law
- Judicial cooperation case studies
- Other case studies such as analysing situations or contracts, etc., and preparing advice to clients involving a combination of national and EU law

[30] For more information on the Kirkpatrick model : http://www.mindtools.com/pages/article/kirkpatrick.htm

II Collecting good practices

As indicated in the report, answers to questionnaire 3 did not allow the project team to draft full descriptions of existing good practices in the field of training of lawyers. Even fewer elements were collected on the specific matter of training lawyers in EU Law.

On the basis of the collected answers and notes taken during the two workshops on good practices during the General Conference on 15 November 2013, it is possible to establish a short list of actions which could constitute good practices and of respondents which could be contacted in the future during follow-up steps.

This information is organised according to the categories of good practices used during the project.

1. Collection and analysis of training needs
2. Definition and description of the objectives and structure of training activities
3. Dissemination of information on training activities. This stage reviews the extent to which training providers successfully reach their intended target group – for the purpose of this survey - lawyers
4. Use of relevant training methods to achieve the training objectives, including to promote implication of the participants in the training activity and ensure relevance to their practical needs
5. Use of IT tools to develop e-learning, exchanges in the community of learners, and blended learning
6. Evaluation of the training itself and of the results of the training activity in terms of acquisition and application of knowledge, as well as of know-how

Collection and analysis of training needs

Collecting training needs to build new training activities is felt by all training providers to be a challenge, even when a system is in place. For many training providers, the only way to collect needs is when they are in contact with the lawyers, that is to say at the end of a training activity, by asking questions about further training needs in the evaluation questionnaire.

To answer that challenge, ideas were brought forward:

Changing the way the questions are drafted: instead of asking lawyers about their needs – they might not be aware of their needs regarding training in EU Law – training providers and bars could collect information about their practical difficulties as well as about which EU Law cases they have already encountered. If the training providers are given concrete examples of which difficulties are encountered, they will know which topics or which EU Law instruments will be necessary to answer those difficulties and will be designing training contents to answer concrete needs.

Using online surveys: in Ireland and Lithuania, there is an experience of conducting online surveys.

In Lithuania, the survey was put on the website of the Bar and some questions on EU Law were included. The lawyers could indicate the topics of most interest to them.

In Ireland, lawyers were given an incentive to participate in the survey as participation gave them a rebate on the cost of participation in one training activity. A survey monkey was used to speed up analysis of results. Choice of future topics was directly linked to the number of interested respondents.

Asking other interest groups about training needs of lawyers:

Not only law firms but also consumer groups, civil society organisations, the judiciary, European institutions, etc. have a vested interest in having well-trained lawyers.

Evaluating legislative evolutions and training gaps

Training providers answering questionnaire 3 and participants in the General Conference have mentioned as usual practice that they evaluate training needs also by taking into consideration changes in legislation and also by looking at the gaps in their own training offer.

Dissemination of information on training activities

Some individual respondents to questionnaire three mentioned that they were not always aware of existing training activities.

Online information for wider dissemination

In the UK, members of the England & Wales Law Society can register online their topics of interest and thus receive a daily newsletter on those topics. It includes information about training organised by the Law Society.
This solution is however not possible for other training providers.

In Lithuania, lawyers can register and be informed about training activities organised by the Bar.

These examples show that there is currently no easy way for an individual lawyer or a law firm to gather exhaustive information cross-border regarding training in their topics of interest.

This issue was previously raised within the CCBE training committee and led CCBE to develop a EU co-funded online platform to have a single point of information about training activities available to lawyers called the European Training Platform.

Make training compulsory: in Latvia, the Bar decided to make participation in training activities compulsory – but free of charge for registered lawyers.
This had direct consequences on the organisation of the training activities as well as on the choice of speakers.

The situation is different in Member States where there is an open market for training. There, the question of communication with clients and media is an issue which includes not only establishment of clear communication processes and client database, but also the need to explain why the case has EU law aspects, and how it can be integrated into the everyday practice – in order to reassure potential clients.

Making training attractive:

In Ireland, the regional bars are involved in the design of the training activities. This evolution was welcomed as the previous process (design by the training provider then implementation in diverse localities) was taken as arrogance.

Training is also about building a relationship:
With the regional bars, with the lawyers organisations, between participants, with the trainers.

ERA and Germany underlined that choosing a well known person as speaker ensured high level of attendance.

Training is considered in all Member States as an opportunity to network, to build new business relations, and to share professional experience. Training activities with built-in networking opportunities appear as more attractive. The challenge is that time-constraints often work against extending the length of the training activity to include networking opportunities.

Training is attractive if it can be demonstrated to potential participants that it has a relevance to their day-to-day practice. For instance, the Cracow Bar organise an interactive training to prepare its members to litigate in front of the CJEU. The whole process was managed by practitioners with personal experience of litigation in front of the CJEU.

Definition and description of the objectives and structure of training activities

While all participants and respondents considered designing training activities with clearly stated objectives and coherent structure important, this sometimes came into conflict with the need to have lawyers and other legal professionals as trainers to ensure that the activity is practice-oriented. Some participants in the Conference considered that being practice-oriented was very much about exchanges between participants, which might lead to extraneous discussions and might not be compatible with a rigid structure.

Indeed, this issue ties in with the question regarding training methods, as choices of training methods should depend on the objectives of the training activity.

Use of relevant training methods to achieve stated training objectives

Interactive methods are the most useful for training activities which aims to be practice-oriented. However they take more time (as participants are asked to deal with some "real-life" cases, through simulation or role play), the trainers have to have been trained in how to design and implement such interactive activities, the number of participants in a single activity is lower than when organising a conference with passive listening.

Implementing interactive training methods is a challenge in a context where most trainers are professional lawyers or other legal practitioners and not professional trainers. There is a specific challenge on how to accompany trainers of a mature age who themselves were trained only through passive listening and tend to reproduce that model. Psychological barriers exist and need to be overcome gently.

Accompanying trainers in designing and implementing a training activity:

In the UK, the University of Law has redefined in the past year its training processes and means. They wish to continue to have trainers who are qualified lawyers but not professional trainers. They have defined design manuals which are imposed on the trainers to compensate for a lack of creativity. A trainer who refuses to conform to the design manual will not be re-invited.

The design manual includes an overview of the objectives of course, specify outcomes, indicates how the course will be measured, includes templates for each part of the course, state in which language the instructions should be given, address the issue of open/closed questions, etc.

There are specific design manuals for certain courses which are repeated each year and have a large number of participants (for instance induction period of trainee solicitors).

To produce those manuals, the University of Law has been advised by specialist educators on how to build interesting training activities.

Furthermore trainers were asked to participate into workshops to be trained into become workshop facilitators instead of lecturers. Learning to be interactive means practicing in order to integrate learning and know-how.

In Lithuania, there is a service contract with each trainer – which includes the obligation to include at least one interactive exercise in each training activity.

In Ireland and France, train the trainers activities are organised but are not compulsory for external experts.

Using online tools to develop active learning

The discussions showed that it is possible to use online training tools to make participants more active - by developing training modules around real life cases and asking participants to devise the suitable legal solutions and processes.

Using other supports to training

In Germany, actors were asked to participate in presenting the real cases situation or acting out in the context of simulation in relation to mediation.

In general, mediation was considered to be a topic which requested particular attention – in particular regarding the form of the training sessions: lectures or even case studies are not the answer, as problems in mediations arise more from interpersonal relations rather than the legal context; participants have to be able to explain legal issues in simple terms, etc. Training on mediation would thus be more about mediation techniques and interpersonal skills than legal issues. Online training on

mediation techniques has been developed in the UK and the Netherlands but is not of a widespread use.

In Ireland, actors were asked to play the part of foreign clients with little understanding of English.

Videotaping simulations, mock court cases, etc. is also considered as a useful tool to show lawyers the results of their reactions, actions and explanations.

ERA presented the possibility to do cross-border simulations by using videoconference to build interaction between two groups of participants situated in two different Member States.

The rewards of such innovative training activities are high if they are well prepared and precisely structured. The workload of the training organisers is in general higher when innovative methods are used.

Going towards shared experience rather than common training

In Germany, common working groups have been organised between the Bars in Aachen, Liege and Eupen. The discussions are about the differences in national aspects but also the cross-border elements. It goes beyond training and the participants are asked to prepare the contents and to exchange practical experience.

Use of IT tools to develop e-learning, exchanges in the community of learners, and blended learning

E-learning tools can help to have more evaluation and feedback from the participants. They are also considered necessary to reach out more lawyers, especially outside of the capital.

E-learning can also help to develop linguistic training, in particular regarding legal terminology from other Member States which is currently not well developed but necessary if lawyers wish to be active at European level.

It can also be answer to the time constraints of lawyers – which are a real obstacle to participating in continuous training activities – both by reducing travel time and allowing lawyers to use online training modules on their own time – even in evenings or week-ends.

However the challenge of convincing lawyers to use online training tools exists in all Member States.

In Latvia, the first impressions and uptake of the elearning modules was positive.

In Ireland, when the online training platform was deemed ready, a Christmas e-card was sent to all lawyers which included free access to one training module before the end of the month. 1300 lawyers participated.

e-learning modules are more appreciated when they include interactive features.
Money and dedicated human resources is necessary to develop high quality training modules.

Evaluation of the training itself and of the results of the training activity in terms of acquisition and application of knowledge, as well as of know-how

No information regarding evaluation of training was forthcoming, except regarding the existence of post-training evaluation forms to be filled in by the participants. While some consider them as "feel good" forms, it was the only evaluation activity organised by training providers.

In general the best evaluation tool was felt to be the number of repeat participations in training activities organised by the same training provider. However while this might be relevant in open market Member States, this does not apply in Member States where training of lawyers is organised by a limited number of structures.

Feedback from trainers was also mentioned as useful input to evaluate a training activity.

In Germany, some training activities include tests and exams.

Integration of EU law elements in training activities – where relevant – with a view to showing their relevance to lawyers' practice.

Use of training as a means to promote and facilitate cross border co-operation and mutual trust

These two aspects are treated together as they were intertwined in the examples gathered.

Making EU Law attractive

All answers and discussions touching on these issues indicated the difficulty of attracting participants when mentioning EU Law in the title of a training activity.

To address this difficulty, in Germany a training activity was titled "Don't be afraid of European cases" and this attracted a lot of participation.

Discussions on this example showed that training activities on EU Law would be more attractive if the title reflected the point of view and needs of the potential participants rather than bluntly stating that which piece of EU legislation would be covered.

On the other hand, it was considered that "hiding" EU law contents completely is counter-productive as lawyers need to be more and more aware of the EU Law contents of their activity.

Description of the training activity should detail the EU Law contents and describe how it is relevant to real-life cases.

Training lawyers on how EU Law interacts with national law

A theoretical approach to EU Law has been unanimously considered as not answering lawyers' needs.
Lawyers need to build reflexes about

- Using EU cross-border procedures
- Looking at the way EU Law is implemented in national law or interacts with national law

In European level training activities, it is possible to go in details about interactions between EU Law and national law only if lawyers from a limited number of Member States are gathered.

ERA indicated that with regards to criminal defence, the best approach is to create "clusters" of Member States – engaging with participants from neighbouring countries – which have the most cross-border cases in common.
Such workshops were organised by ERA with support from ECBA – the first half of the programme regarding the EU context was delivered in English, while during the second half, addressing national issues, it is possible to split the audience into national groups.

Raising awareness of importance of EU Law among trainers

Participants will be convinced of the relevance of the EU Law contents to their practice if the trainers are themselves aware and convinced.

In the UK, there is a new drive to recruit trainers able to cover EU Law. For this kind of profile, they have to practice and come from global firms.

In Poland, awareness raising is done by inviting speakers from other Member States and ensuring interpretation English/Polish.

In France, the annual Conference of lawyers now includes a "European law stream" of workshops.

Annex E – Contact Details

A list of consulted stakeholders provided in an excel table;

-- a table including contact details of training providers in Belgium and the UK.

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This information is for the European Commission use and may not be published.

Annex F – Bibliography

Last updated 7 February 2014.

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Annex G – Glossary

Further to the discussions during the General Conference, the Glossary has been updated by the addition of a definition for CPD and EU acquis.

Apprenticeship: training period or part of a training period which consist of embedding a trainee in workplaces. A trainee lawyer may be training by taking part in the work of private practices, firms, administrations, courts and other structures relevant to his or her learning path, as determined by national rules. Apprenticeship can be combined or not with formal courses.

Accreditation: According to national organisational rules, training providers (see term) may need to be accredited by the bar or another official structure for its training activities (see term) to be recognised officially as fulfilling legal requirements relative to training of lawyers.

Blended learning: training activities which include both e-learning periods and face-to-face activities. To be considered as *bone fide* training, the overall activity has to be organised according to a set programme and contain explicit training objectives.

Continuous training: any professional training taking place during the career of a lawyer - be it on legal matters, management, skills, etc. It can also be mentioned under the term of career development, continuing training. It is organised according to national rules. It may include specific training for *specialisation* (see term).

CPD – Continuous Professional Development: This term is used to refer to the mandatory requirements for post qualification training and education set down by competent authorities (Bars or Law Societies). These requirements often prescribe a number of hours of training that must be undertaken by all registered lawyers over a defined period (usually one year).

E-learning: a training activity which takes place in a structured manner, and includes a training programme fulfilling specific training objectives. It can use online activities such as access to online information, answering questionnaire, watching podcasts, participating in online discussions, participating in webstreaming sessions, etc. It can be combined with *face-to-face training*. The combination is then called *blended learning* (see term).

European Judicial Training : In the Communication COM(2011)511 "Building trust in EU-wide justice : a new dimension to European judicial

training", European judicial training is considered to cover training of judges, prosecutors, but also lawyers, notaries, bailiffs and court staff.

This extensive understanding of the term has been criticised in some legal circles, but shows that while training of each legal profession has it specificities, training legal practitioners in the proper implementation of EU law includes some common challenges and obstacles, for instance the lack of well developed data on training activities.

EU acquis: is the accumulated body of all European Union (EU) law to this date. It includes EU's treaties and legislation (be they directives, regulations or decisions and international agreements. It also includes the decisions of the Court of Justice of the European Union (CJEU).

According to the CJEU, EU *acquis* takes precedence over national law if there is a discrepancy or conflict between the two.
Most *EU acquis* is transposed into national law. It can also have direct effect in the Member States (for instance regulations).

Face-to-face training: Any training activity which necessitates the simultaneous presence in the training premises of trainers and learners. It can be combined with *e-learning* to provide *blended learning.*

Induction period: taking into consideration the variety of organisation of lawyers' professions at national level, the induction period can exist or not. If it exists, it concerns a period during which an individual, after having obtained the required university diploma to be able to become a lawyer, undertakes professional training either as through an *apprenticeship*, courses or a combination of both. This period may be a prerequisite to be considered as a full-fledged lawyer.

Lawyer: for the purpose of this study, a lawyer is a jurist who is registered to a bar or law society in the European Union.

Specialisation: according to the national organisation of the profession, certain specific requirements regarding training may exist if an individual lawyer wishes to acquire an officially-recognised specialisation in one aspect of the law.

Stakeholder: a useful portmanteau word used in many European texts. It refers to a person, a group of persons, an organisation or an institution which has a vested interested or is involved in the issue under discussion in the text. This term was purposely chosen for it is general aspect as in most cases it has to cover a large variety of structures and persons which may differ greatly from one Member State to another.

Training: For the purpose of this study, the term training will be used to cover acquisition of knowledge as well as acquisition of know-how in relation to law, EU law, linguistic skills and organisation of judicial and legal systems in the EU

Training activity: any structured activity organised for the purpose of training an individual or a group of persons, with a training programme set up to fulfil well-defined training objectives. It can take place through *face-to-face training* (workshops, seminaries, conferences, etc.) or online tools (*e-learning*) or a combination of both (*blended learning*).

Training of lawyers: for the purpose of this study, training of lawyers is understood to cover professional training only and does not include academic training. Training of lawyers can take place either in during the induction period (see term) or all through the career as continuous training.

Training provider: any structure, profit or non-profit, recognised or not by a bar, which organises several training activities relevant to the professional development of a lawyer. This study will consider only the training providers offering training activities related to the law, especially European Union law or legal and judicial organisation in other member states, or training activities related to the acquisition of competences in legal terminology of other European languages.

Annex H: Questionnaires one to three

Questionnaires one to three and their explanatory documents are attached to the report as PDF documents

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