

Newsletter n° 9/2009

Towards a European e-Justice Strategy

Training of Judicial Staff

Bibliography - « Les Juridictions des États membres de l'Union européenne »

Editorial

President Melchior

One of the objectives of our Network is to strengthen between our courts a common judicial culture. The exchanges of judges are obviously one of the privileged means to reach that goal and, therefore, we present you in this issue of our Newsletter the Resolution on the training of judicial staff which was adopted by the European Union Council on October 24th, 2008. The other privileged means is a better knowledge of the case law of our Supreme Courts which is what precisely the Common Portal is intended for. An information meeting for those working in the research and documentation departments of the Supreme Court will soon be organized.

All these actions find their natural place in the programs of the European Union and quite particularly in the future Stockholm Program following those of Tampere (1999) and The Hague (2004). The European Justice Forum created by the European Commission in May, 2008, and to which the Network is happy to contribute, is ideally placed for exchanges of ideas. Part of the present Newsletter is dedicated to its activities.

Our Board which meets on May 18th, 2009 in Copenhagen will discuss these questions and launch the preparation of the Colloquium of 2010 which should be held in Dublin on the " Practical Aspects of the Independence of Justice ".

Towards a European e-Justice Strategy

The European Justice Forum organized on March 5th, 2009 a first meeting on e-justice to which our Network was represented by its secretariat which explained the action led for the access to the case law of the Supreme Courts with the common Portal. The European e-justice Strategy exposed in the communication from the Commission to the Council, the Parliament and the European Economic and Social Committee place effectively the development of the common portal of national case law of the European Supreme Courts among operational projects involving exchange or interconnection, at national or european level, which are to be encouraged.

During the period 2008-2013, the main priorities for actions are, in particular, the creation of an e-Justice portal for the Commission which will contain:

- European and national information on victim's rights in criminal cases and their rights to compensation,
- the fundamental rights enjoyed by citizens in each Member State (rights of persons charged in criminal proceedings);
- fundamental principles relating to citizen's ability to initiate proceedings before a court in another Member State, or to

their defence when summoned to appear before such a court.

The portal must also refer visitors to existing sites, to European legal institutions and to the various existing legal networks and their tools.

Besides, the Commission notes that multilingualism represents a major challenge to the development of a genuine European judicial area. The Commission is therefore a proponent of actions targeting, in particular, translation in judicial settings. Automated translation can provide a reader with superficial knowledge of the contents of a document drafted in an other language. When a file is voluminous, automated translation can make it possible to identify rapidly those elements useful for another case and which should be translated by a professional. It can also rapidly give actors basic information about the contents of a foreign court decision or an important document for proceedings.

Training of Judicial Staff

From 2005, the Network proposed and organized the exchanges of judges between Supreme Courts. The European Union Council, underlining the necessity of bringing to the foreground a common judicial culture, adopted on 24 October 2008 a Resolution on the training of judicial staff which retains in particular the importance of the exchanges between judges. The main extracts of the Resolution are the following ones :

1. When organising training for judges, prosecutors and judicial staff (such as assistants, law-clerks and registrars), without prejudice to judicial independence or different judicial organisations in the European Union, Member States should adhere to the guidelines set out below.

2. These guidelines are designed to achieve the following general aims:

(a) to contribute to the development of a genuine European judicial culture, based on diversity of the legal and judicial systems of the Members States and unity through European law;

(b) to improve the knowledge of the European Union's primary and secondary law among judges, prosecutors and judicial staff, including fostering the knowledge of the procedures before the European Court of Justice, in particular the procedure for obtaining a preliminary ruling on the validity and/or interpretation of provisions of European law;

(c) to promote, through appropriate training, the application of European law by judges, prosecutors and judicial staff, in a way which is in keeping with the fundamental rights and principles recognised in Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union;

(d) to foster the knowledge of the legal systems and law of the other Member States, notably by promoting relevant courses of comparative law;

(e) to enhance the language skills of judges, prosecutors and judicial staff throughout the European Union;

(f) to foster a shared awareness of issues that are common to the judges, prosecutors and judicial staff;

(g) to promote a sharing of ideas on the development of the area of freedom, security and justice and its implications for the proper operation of justice.

3. The Member States should take all practical steps to ensure that their national bodies responsible for training the judges, prosecutors and judicial staff, building upon their existing efforts,

(a) disseminate information on the legal systems and law of other Member States of the European Union, such as by setting up courses on comparative law;

(b) increase opening up their national training courses to judges, prosecutors and judicial staff from other Member

States;

(c) develop and stimulate direct exchanges between judges, prosecutors and members of judicial staff of different Member States, including by playing an active part in the Judicial Exchange Programme, by promoting 'twinning' and by any other appropriate means;

(d) effectively develop, by all suitable means, the European Judicial Training Network (EJTN) and take an active part in its activities.

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The Office for Official Publications of the European Communities published a book edited by the Research and Documentation Department of the Court of Justice of the European Communities on « The Jurisdictions of Member States of the European Community ? Structure and Organisation ». This book, only available in French, describes the judicial systems of each of the twenty seven Member States of the European Community. It also contains a graphic presentation of national jurisdictions and a selective bibliography.

Attached file:

[Newsletter n° 9/2009.pdf](#)^[1]

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