



## **Position Paper**

Building Trust in EU-Wide justice  
A New Dimension to European Judicial Training  
October 2010

**Position paper in response to the Communication (COM (2011) 551 final) of the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions**

### **“Building Trust in EU-Wide justice A New Dimension to European Judicial Training”**

#### **1. An international dimension**

Created in 1952, the purpose of the UIHJ is to represent its members to international organizations and ensure collaboration with national professional bodies. It works to improve national procedural law and international treaties and makes every effort to promote ideas, projects and initiatives which help to move forward and elevate the independent status of judicial officers.

Furthermore, the UIHJ takes part in the structural actions of judicial officers, notably via its involvement in the setting up and development of national professional organizations with a view to their becoming members of the UIHJ. It participates in investigation missions in relation to governments and international bodies.

Lastly it promotes, wherever possible, the creation of a body of judicial officers made up of professionals and high-level legal officers fulfilling the task of the officer responsible both for the service of judicial and extra-judicial documents and the enforcement of orders.

The UIHJ is a member of the Economic and Social Council of the United Nations. The UIHJ is involved in the work of the Hague Conference on Private International Law, specifically in the planning of conventions relating to the service of documents and enforcement.

#### **2. A European Involvement**

The UIHJ is a permanent observer member of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe and has been active in this respect in the development of its guidelines of 17 December 2009 on the enforcement of court decisions<sup>1</sup>.

It participated in the work that led to the revision of Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters.

It took part in discussions aimed at opening the legal profession in the European Judicial Network in civil and commercial matters.

It also participates in the "Justice Forum" group set up by the European Commission and its "e-Justice" group, the Forum for discussion of policies and practices of the European Union in justice and also participated in the preparatory work on the European Attachment of bank accounts.

These collaborations at different levels with the European institutions make of the UIHJ an active partner in developing a genuine European judicial area and a force of proposal<sup>2</sup>.

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<sup>1</sup> Guidelines for a better implementation of the existing recommendation of the Council of Europe on enforcement (CEPEJ(2009)11REV)

<sup>2</sup> Proposal for a harmonised document initiating proceedings within the European Union – Colloquium of Sibiu – EJT Publishing, 2011



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It organizes many conferences with representatives of the Commission (see note 2 on page 1).  
The UIHJ is also a member of the Institute of European Law (Eli).

### 3. A Vocation for Training

The UIHJ supports the European Commission as regards the importance of judicial training. Training is one of its main objectives since its creation, and is considered as the cornerstone of support for the development of any profession.

Its international vocation gives the UIHJ the possibility of organizing training sessions in various parts of the world, including Africa, where, in cooperation with the National School of Procedure of Paris<sup>3</sup>, it works at promoting and teaching European instruments as part of its will to harmonize the status and activities of judicial officers.

As part of its mission of research and training, the UIHJ established a Scientific Council composed of teachers who lecture in universities located in different parts of the world: six members are from the European Union, one is Russian, two are African, one is from North America, one is from South America, and one is from Thailand.

The UIHJ thus ensures cooperation between academics and practitioners.

Through its network of professionals it has already set up an exchange system<sup>4</sup> it intends to develop as part of its training mission.

Its experience in this field allows the organisation to pretend to be one of the key partners in the promotion of European judicial training.

#### 3.1. A practical Approach

- Recognizing the importance for judicial officers (professionals working in the field of enforcement, the service of documents and the establishment and keeping of evidence) to be trained in European law because they are required to regularly implement European instruments (EC Regulations 44/2001, 1206/2001, 805/2004, 1896/2006, 861/2007, 1393/2007, 4 / 2009);

- Recognizing that this importance grows with the next step of the European Union in the field of enforcement including the creation of a European attachment of bank accounts;

the UIHJ, for four years now, organizes a Training Day<sup>5</sup> in European Union countries (Belgium, France, Hungary) including a European legislation review and a European case law of the EUCJ review commented by professors, followed by topics on various European instruments illustrated by case studies (practical use of European instruments, support for the use of multilingual forms annexed to European regulations, awareness of new communication technologies).

Indeed, procedural law and enforcement law should be key areas for European judicial training.

<sup>3</sup> The French body for the training of judicial officers

<sup>4</sup> The UIHJ encourages the organisation of study visits in the offices of colleagues from its several member countries

<sup>5</sup> See attached programs



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## **3.2. Prospective Needs**

### **- Target**

These European Training Days, where all Member States of the European Union were represented, were previously reserved for judicial officers. The UIHJ plans to make these days inter-professional: professional judges, prosecutors, lawyers, solicitors, judicial officers and notaries, in the framework of the Communication of 13 September. The topics revolve around a practical approach to the European judicial training for professionals who are essential to the functioning of judicial systems specified in Communication COM (2011) 551 final.

This type of training should allow exchange of good practices between professionals, discussing the applicability of European instruments and thus aiming at improving judicial systems by detecting problems at different levels of the judiciary, through the issuance of solutions.

### **- Means**

New technologies should improve learning methods and training.

At its next annual permanent council in November, the UIHJ will hold a training workshop on e-Learning, in which the use of new technologies to improve the quality of training through access to remote resources will be presented to representatives of the profession of judicial officer of the 72 member countries of the UIHJ.

Until now the cost of the organisation of the various training events was covered by the contributions of the participating judicial officers (translation costs, documents, use of interpreters, accommodation and travel expenses). The opening of training to other professionals by enrolling in the lines of the communication of the European Commission should enable for applying financial support for the development of this mission.

To maintain a level of excellence, it is imperative that initial and on-going training become inter-professional because not only the acquisition, the maintenance and the upgrading of knowledge, but also their consistent application, is essential to legal security.



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