

EJTN EXCHANGE PROGRAMME FOR JUDICIAL AUTHORITIES

GUIDELINES TO JUDICIAL EXCHANGES

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1. Introduction

The guidelines for judicial exchanges aim at:

- Describing the roles of all the key players involved in an exchange,
- Defining the objectives of the different types of exchanges,
- Supporting the organisation of exchanges by sharing best practices

The guidelines cover all judicial exchanges implemented in the framework of the EJTN Exchange Programme.

They do not cover other activities implemented under the Exchange Programme, i.e study visits and long-term training periods.

2. About EJTN

The [European Judicial Training Network](#) (EJTN) is the principal platform and promoter for the training and exchange of knowledge of the European judiciary. EJTN represents the interests of all judges, prosecutors, judicial trainers, and court staff across Europe.

Formed in 2000, EJTN's fields of interest include EU, civil, criminal, and commercial law and linguistics and societal issues training. The vision of EJTN is to help to foster a common legal and judicial European culture.

EJTN develops training standards and curricula, coordinates judicial training exchanges and programmes, disseminates training expertise, and promotes cooperation between EU judicial training institutions.

3. About the Exchange Programme

Launched in 2005 at the initiative of the European Parliament, the EJTN [Exchange Programme for Judicial Authorities](#) aims to develop a European judicial culture based on mutual trust between judicial authorities in the European judicial area.

By participating in an exchange, judges, prosecutors, court and prosecution staff, and trainers from different EU Member States can improve their knowledge of other judicial systems through direct contact and exchanges of views and experiences.

4. Target audience

In general, the activities of the Exchange Programme are open to:

- Judicial trainers.
- Judges, including administrative judges.
- Prosecutors.
- Court and prosecution staff¹, in line with the EJTN definition:
"Persons working in courts and prosecution authorities where they form part of the *"corps judiciaire"*, who are not judges or prosecutors, and who have legal training and who either: a. Help prepare judgments or prosecutorial decisions; b. Make judicial or prosecutorial decisions at least at a preliminary phase; or c. Play a significant role in cross-border judicial cooperation. The group functions of court staff – as defined in the Study on the training needs of court staff on EU law in the EU and its annexes – also prove to be a good tool to identify court staff in the EU judiciaries. National judicial training institutions have the autonomy to identify and prioritise their respective court/prosecution staff target audience.

More specifically, exchanges are open to the following functions:

- **General exchanges:** judges (including administrative judges), prosecutors and court/prosecution staff.

¹ In these guidelines, these two functions will be summarised as "court staff".

- **Specialised exchanges:** judges (including administrative judges), prosecutors, and court/prosecution staff specialised in the thematic area of the exchange.
- **Judicial leaders exchanges:** court presidents, chief prosecutors and court staff managers.
- **Trainers exchanges:** judicial trainers that are staff of the national judicial training institutions, judges/prosecutors/court staff acting as trainers at the national or decentralised level, national contact points and staff of the judicial training institutions.

The EJTN member institutions are responsible for selecting the applications. They have the full liability to decide on the qualification of a profile.

5. Key players

The Exchange Programme is implemented by several actors: the EJTN Exchange Programme team, the National Contact Points (NCPs) in the EU MS, the tutors in the host institutions and the participants.

Each actor is expected to fulfil key responsibilities to ensure a successful and productive exchange. The different steps of the Exchange Programme are outlined in Annex 1.

a. The EJTN Exchange Programme team

The Exchange Programme team in charge of the Exchange Programme oversees the general coordination and communication about the Exchange Programme.

The Exchange Programme team :

- sends out the calls for applications for Exchange Programme activities to the NCPs who then circulate the information to the national bodies.
- receives the applications selected by the NCPs and allocates the participants function of the available places and overall number of applicants.
- provides the NCPs with the details of the participants allocated to their country and ask them to liaise with them to start the concrete organisation of the exchange.
- makes sure the participants have fulfilled the pre- and post-exchange requirements to secure the reimbursement of their expenses by the Finance Unit of the EJTN secretariat.
- issues a certificate of completion to the participants having fulfilled all the necessary post-exchange requirements.

b. National Contact Points (NCPs)

A National Contact Point (NCP) for the Exchange Programme is appointed in each participating country. In countries where several institutions are responsible for the training of judges, prosecutors, and court staffs, an NCP is appointed in each institution.

The NCP is responsible for:

- the preselection and ranking of judges/prosecutors/court staff/trainers of their country/institution in the different activities of the Exchange Programme. The Exchange Programme team then allocates the preselected applications according to the choices of the candidates and the available places in the host countries.
- the facilitation and organisation of the exchanges in their country.

NCPs are expected to:

- get in touch with participants shortly after allocation.
- notify participants as soon as possible of the organisational framework of the exchange. Participants should benefit from timely information on the location as well as the start and end dates of the exchange.
- In the case of individual exchanges, select tutors whose professional competence, personality, and language skills work in favour of a successful exchange.
- In case of group exchanges:
 - try to consider, when drafting the programme, the career, speciality, and language information listed on the application form. Notwithstanding this, it remains the objective of the Exchange Programme to provide a general insight into the judicial system of the host country. It will not always be possible to adapt to the participant's background.
 - opt for a balanced combination of general information on the host country's judicial system and the opportunity to share expertise with the host country's practitioners.
 - take into consideration the suggestions listed under the section "Best Practices".
 - supply participants with a draft programme in writing, well ahead of the start of the exchange.
 - supply early on any documents that might help participants prepare for the exchange.

c. Tutors (for individual exchanges or group exchanges at decentralised level)

The tutor is in charge of preparing the exchange of the participant in the host court/prosecution office, welcoming him/her and introducing him/her to the activities during his/her exchange.

Tutors are expected to:

- regard the exchange as an opportunity to showcase their country's judicial system whilst benefiting from the experience of their visiting colleagues (i.e., it is recommended to organise a session allowing the foreign visitor to present their own judicial system to his/her counterparts in the host court).
- let participants share the daily work as much as possible and integrate them into the team of the visited institution.
- make sure contact is made with the participant as soon as possible to discuss the period and content of the exchange:

- The exchange period must suit both the participant and the hosting jurisdiction, necessitating a mutual arrangement.
- Nevertheless, some rules attached to the EJTN Exchange Programme, and its funding system must be applied.
- The so-called 2-week exchanges must last 10 working days and should start on a Monday and end on a Friday.
- One-week exchanges must last 5 working days, starting on Monday and ending on Friday.
- The exchange must be organised during the working days of the host country.
- The participant must respect the same working hours as the colleagues of the host court.
- observe the suggestions for a successful programme listed under the section “Best Practices”
- send a programme to the participant prior to the exchange. The programme must contain the starting and ending date and time for each day of the exchange.
- send any useful background information to the participant prior to the exchange to assist him/her in the preparation of the exchange.
- in the case of 2-week exchanges only, provide a certificate of attendance. This document is the only tool on the grounds on which the per diem to be paid to the participants is calculated. It must indicate the starting and ending date and time, bear the signature of the tutor as well as the stamp of the hosting institution.

Tutors are not expected to:

- Book accommodation for the participant. Participants are responsible for booking their travel to the host country and their accommodation in the host city. Tutors may however provide some useful advice with regards to accommodation location.
- Support hosting-related costs. Participants are expected to cover the costs related to their stay in the host country for the exchange (accommodation, meals, local travel) with the daily allowances they are granted by EJTN.

d. Participants

Participants are expected to:

- take due care when applying to take part in the EJTN Exchange Programme. They shall communicate their professional experience and specialisation precisely, so the host can take this into account when drafting the programme.
- be realistic about their language skills. If necessary, they shall participate in language training offered by EJTN or other providers to acquire the requisite proficiency level.
- be fully aware that allocation to an exchange is binding and that participants are entitled to withdraw only in exceptional and unforeseen circumstances, at the earliest possible. In such cases, participants must inform all involved actors (EJTN, NCP, tutor) as soon as possible so the place can be allocated to another participant on the waiting list.
- get in touch with the contact person in the host country as soon as possible.
- once allocated, undertake the exchange by the deadline set by the EJTN Exchange Programme in the calendar year.
- make proper preparations for the exchange. In aid of this, EJTN supplies information on the host country’s judicial system.

- check with their employer that they will remain covered during the whole training period by the social security scheme applicable to the concerned national administration and that the latter will support the health expenses incurred abroad.
- make sure that they are insured against accident, death, and invalidity risks.
- obey the national law and national rules of conduct of the host country while on exchange. Any violation of the host country's rules/law might lead EJTN to stopping the exchange.
- be ambassadors for the sending country's judicial system and share with judges/prosecutors/ court or prosecution staff of the host court knowledge about their judicial system.
- respect the training schedule and pedagogical content of the exchange.
- fully take part in the work programme that is organised by the host. If there is a social programme, they shall give their best endeavours to attend this as well.
- work with the Exchange Programme and Finance Unit of the EJTN secretariat on all organisational matters in a full and timely manner.
- complete the post-participation requirements as set in the Financial Conditions governing their activity, within the deadline set for the activity, including providing proper feedback on their experience.

6. Objectives of the exchanges

a. General objectives for all exchanges

The main objectives of the EJTN Exchange Programme are:

- To build trust and mutual recognition amongst the European judiciary.
- To foster a common European judicial culture.
- To enhance and promote the knowledge of EU MS judges, prosecutors and court/prosecution staff on EU law, Union instruments and foreign judicial systems.
- To improve the language skills of the EU judiciary.

Through an exchange for judges and prosecutors, each participant will observe, understand, compare, and learn about:

- **the judicial environment of the host country:** The participant is to discover the purpose, the organisation, and the functioning of the main judicial institutions of the host country. S/he shall be given the essential information related to the national law of the host country as well as regarding the judicial practice and the legal guarantees offered by the legislation of the host country.
- **the implementation or references to Community instruments, the European Convention of Human Rights, or the judicial cooperation instruments at the level of the host country:** The participant is to discover how Community instruments are implemented, the relevance given by the members of the judiciary to the European Convention of Human Rights and how judicial cooperation instruments are used into the daily practice.

A judicial exchange should allow the participant to improve their practice, whether it is related to finding better solutions, better interpretation of the law, or simply giving confidence and the feeling that they truly are European judges and prosecutors, no different from colleagues from other Member States. Additionally,

even if a good level of the official language of the exchange is an essential pre-condition for participation in the exchange, the exchange should enable the participants to improve their language skills.

Through an exchange for court staff, each participant will observe, understand, compare, and learn about:

- **the judicial environment of the host country:** The participant is to discover the purpose, the organisation, and the functioning of the main judicial institutions of the host country. S/he shall be given the essential information related to the national law of the host country as well as regarding the judicial practice and the legal guarantees offered by the legislation of the host country.
- **the good practices of the host country:** The participant and his/her European counterpart are to exchange good practices, including but not limited to digital practices, and EU procedures.
- **the implementation or references to Union instruments, the European Convention of Human Rights, or the judicial cooperation instruments at the level of the host country:** The participant is to improve the treatment of EU files by discovering 1. how Union instruments are implemented, 2. the relevance given by the members of the judiciary to the European Convention of Human Rights and 3. how judicial cooperation instruments are used into the daily practice.

A court staff exchange should allow the participant to improve his/her practice, no matter if related to finding better solutions, helping interpret EU law in similar ways, or simply by giving confidence and the feeling that they truly are European court staff, no different from colleagues from other Member States. Additionally, court staff exchanges should support the dissemination of information and facilitate networking among EU court staff for future cooperation.

In addition to the above objectives, specialised and functional (ie. for judicial leaders) exchanges should be focused on a specific area of law or function.

b. Specific objectives for trainers exchanges

In line with the [EJTN Judicial Training Principles](#), judicial training is a multidisciplinary and practical type of training, essentially intended for the transmission of professional techniques and values complementary to legal education. Through an exchange for trainers, each participant will observe, understand, compare, and learn about:

- The **training institution of the host country**, including the organisation, structure, methodology, initial/continuous training curriculum on legal and non-legal topics, training the trainers programme, training needs assessment and evaluation.
- The **best practices and successful training initiatives in the host country**. Particular attention will be given to active and modern educational techniques.

A trainer exchange should allow **flexibility and adaptability** of the programme based on the participants' objectives to improve their practice. Additionally, even if a good level of the official language of the exchange is an essential pre-condition for participation in the exchange, the exchange should enable the participants to improve their language skills.

7. Content of exchanges

a. Best practices for exchanges in courts and prosecution offices

The collection of best practices is based on years of experience gathered by EJTN members and can be applied to each category of exchange. If the type of exchange requires it, specific information is provided.

Experience shows that an exchange is viewed as highly productive every time the visitors are given an insight into the host country's judicial system that is as realistic and practice-oriented as possible. This includes real-life trials and original case files. Institutions outside the judicial structures are often visited to gain a broader overview of how things are done in the host country. The list below shows several options for making the exchange profitable:

This is what participants have regarded as particularly profitable:

- Preparation, visit and review of court hearings together with a practitioner of the host country.
- Possibility to attend deliberations.
- Access to and discussion of trial documents.
- Dialogue with various practitioners.
- Visit courts and prosecutor's offices at all levels and across all branches of the judicial system.
- Information on judicial structures, court hierarchy and the principles of procedural and substantive law in the host country.
- Overview of ethics and deontology and disciplinary matters.
- Information on settlements, mediation and alternative dispute resolution.
- Information on how EU instruments are applied in the host country, i.e., European Arrest Warrant and Mutual Legal Assistance in civil and criminal matters, Human Rights content.
- Useful documentation sent before the exchange.

During group exchanges, these activities have proved successful:

- Team handling of real case files.
- Face-to-face interviews with host country practitioners.
- Case studies, mock trials.
- Interactive elements, such as presentations by the participants of how cases are handled in the home country.

Besides courts and prosecutors' offices, visits to these institutions have been seen as being particularly productive:

- Correctional facilities.
- Police and law enforcement institutions.
- Forensic science service.
- Parole and probation offices.
- Psychiatric Hospitals, drug counsellors.
- Social workers, and administrative authorities.
- Representatives of other legal professions (i.e., attorneys, public notaries).
- Legal Faculties of local universities.
- EJT contact points.

- International institutions such as CJEU, ECtHR, ICC, and EUROJUST.
- Local government representatives.
- Legal conferences.

Activities appreciated by participants in exchanges that focus on criminal law have included:

- Police or prosecution service ‘ride-along’, including investigation on the spot and house searching.
- Insight into the work of (investigative) magistrates.
- Sitting in on witness interviews.

Finally, a supporting social programme helps promote after-work exchange and serves to introduce participants to the culture of the host nation. Resulting personal contacts have regularly been rated as particularly valuable.

In an exchange focused on a specific area of law (specialised) or a specific function (leaders), the tutor or host institution must propose activities linked to the specialisation of the exchange or the function of the participant.

b. Best practices for trainers exchanges

As a general principle, the choice of the topics/ sessions to be included in the trainers exchanges programmes remains at the discretion of the organisers, who are best placed to assess what their training institution offers and should showcase during the exchange.

The trainer exchanges’ agendas must be established on a tailor-made approach depending on the needs of the visiting trainer.

The following recommendations/best practices were identified based on the agendas of existing trainer exchanges and the evaluations of previous participants.

National Contact Points are strongly encouraged to refer to these best practices when designing a Trainer exchange. Participants may also refer to this document when defining their topics of interest.

Trainers’ exchanges should be an opportunity for the visiting trainers to learn more about and for the host institutions to showcase the best practices in the training of judges and prosecutors identified in the framework of the Pilot Project JUST/2012/JUTR/PR/0064/A4 on European Judicial Training.

- **National Training Institution**

Level of recommendation assigned by the ad-hoc group	Items	Comments and examples
<i>Highly recommended</i>	Presentation of the National Training Institution	Including: <ul style="list-style-type: none"> - Presentation of its organisation - Curriculum and training activities

		- Recruitment procedures for judges, prosecutors, and court staff
<i>Highly recommended</i>	Initial training in the host country	
<i>Highly recommended</i>	Continuous training in the host country	
Recommended	Recruitment procedure for trainers	
Recommended	The European dimension of the training	Including: <ul style="list-style-type: none"> - How to train on EU law - International activities of the National Training Institution

- **Methodology, practice, and innovation**

Level of recommendation assigned by the ad-hoc group	Items	Comments and examples
<i>Highly recommended</i>	Methodology in the host country	Including: <ul style="list-style-type: none"> - Identifying training needs - Course design and learning objectives. - Assessing and evaluating competences - Executing and evaluating training - Pedagogical tools
<i>Highly recommended with limitations</i>	Attendance at/Immersion in training activities	The dates of the exchange must be chosen to make sure that training is indeed organised in the host institution during this period. Examples of immersive activities include: <ul style="list-style-type: none"> - a training delivered in the framework of the national initial or continuous training curriculum (with possible translation). - an international activity - the EJTN AIKOS programme as it is organised in English. In all cases, attending a training activity organised by the host institution should represent only a <u>limited part of the agenda</u> .
<i>Highly recommended</i>	Discussions with local trainers	
<i>Highly recommended</i>	Train the trainer's programme/activities	
<i>Highly recommended</i>	Digitalisation	e.g.: <ul style="list-style-type: none"> - E-learning and e-tools - Methodology for online training - Training material and platforms - E-justice and digitalisation of justice

<i>Highly recommended</i>	Innovative methods	
Recommended	Training of a specific audience (e.g., judicial leaders, managers, specialised judges/prosecutors, Supreme Court members)	Upon request from the participants
Recommended	Developing competencies and soft skills	e.g.: <ul style="list-style-type: none"> - Know-how, know-why and know-what. - Judge craft - Ethics

- **Activities common to all exchanges**

A distinction shall be made between a General exchange and a Trainer exchange, responding to different learning objectives.

Level of recommendation assigned by the ad-hoc group	Items	Comments and examples
<i>Highly recommended</i>	General overview of the organisation of the judicial system/Current issues in the legal system	
<i>Highly recommended</i>	Social and extracurricular activities	Social activities help promote <u>after-work</u> exchanges and to develop valuable personal contacts. They also may serve to introduce participants to the culture of the host country. They should ideally be organised outside of the official programme.
Recommended	Conferences and lectures	If interest for the participant.
Less recommended	Visits to other judicial organisations	If interest for the participant.
Less recommended	Attendance at court hearing	If interest for the participant.

8. Timeline of an exchanges

Exchange Programme Timeline

