

*Session 8.0*

*Organising Pan-Continental Legal Training – Building Connections to Share Learning*

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- 1 The European experience is one of comparatively recent origin. There are, within Europe, forty-seven quite separate countries and of those twenty-seven only are in membership of the European Union. All forty-seven countries, collectively, do have a voice and that is through the Council of Europe, a separate body to the European Union and the European Parliament.
- 2 I represent the body which is called the European Judicial Training Network, of which I am the Secretary General. This body comprises thirty-three of the thirty-five training schools of the European Union, so we have all twenty-seven countries in membership through thirty-three of the thirty-five schools in those countries.
- 3 In order to be a member of the European Judicial Training Network, EJTN, the body has to be the primary body nationally responsible for training either judges and/or prosecutors, prosecutors only if they are members of the Court Judiciaire, and recognised as such by the national statute pertaining to the particular country. That is the geographical split. We are all across Europe save for those countries that are not members of the European Union as yet.
- 4 The network itself was founded in the year 2000, following attempts, from about 1995, through other parts of the European legal movement, to establish some form of pan-European training school. Within Europe, we have to distinguish and separate out two quite different types of law. Firstly, there is the national law, which of course affects each of the citizens in each of the countries. In Europe, in total, there are 800,000,000 citizens approximately, of which about 380,000,000 are voters. That is of no little importance as well for we live in a very political climate, in a very political world, within the area of European judicial training, for although we are separate from the political we nevertheless cannot avoid or seek to avoid those political storms and winds that blow across each of the countries which are in our membership.
- 5 The bodies which formed the EJTN in the year 2000 had come together in Bordeaux that year under the then French presidency of the European Union in order to discuss the way in which European law, that is, the law which emanates from Brussels, in terms of directives and the like, and also decisions of the European Court of Justice, based in Strasbourg, as well as some of the jurisprudence of the European Court of Human Rights, which is also based in Strasbourg. So, we have the Luxembourg court, we have the Strasbourg courts, and we also have the directives and regulations which emanate from Brussels. They together form a completely separate corpus of law, which we call ‘European’ law, for the sake of differentiating it from ‘national’ law. [00:16:29]
- 6 What, then, is the relationship between national law and European law? Well, at the present time, by virtue of decisions of the European Court of Justice, there is a supremacy of European law over national law, and national laws are expected to give way to European law and also for courts nationally to apply European law. The

conflicts which can occur between the two systems are being melded together slowly as the years go on. To talk of European law as a separate corpus of law is perhaps something of a misnomer, because it is law. It is law which has that supremacy by virtue of what the decisions of the European courts of justice have established, but nevertheless it is still taking time to bed down. It is into that hotch-potch, into that forment [sic], that arena, that we step boldly with out thirty-three national member-schools, and we seek to assist them to deliver to their national members principles of European law.

- 7 The extent to which we do it, and the success with which this is carried out, is still very much something which is being debated and deliberated within Europe. The network has been established, as I say, by the schools but has very much the political influence and the political impetus of both the European parliament, based in Strasbourg and Brussels, mainly in Brussels, but also the European Commission, with whom we do a lot of business, and who are at the sharp end of providing us with finance, whom we have to look to, and look up to.
- 8 The European community inevitably is the political outworking of the belief that by living together in harmony with neighbouring states, and by cooperating closely in matters relating to security, justice and fundamental freedoms, the excesses of the past will be put aside for the benefit of all citizens. So, as the politicians develop their ideas so too these are backed up by bodies of law which come into existence. One of the bigger notions that has been at the political level these past few years is the creation of Europe as an area of freedom, security and justice. Those three words, you hear them all the time in European political circles, and legal circles – ‘an area of freedom, security and justice’.
- 9 It is within that area that we seek to have some form of influence with the national schools that are in membership. There have been a number of political iterations of this will to have the judges of national member-states the better prepared for carrying out the functions given to them by the parliament in Brussels and by the courts. I will not go into them now. They are all set out in the handout. What is interesting at the present time is the political imperative that has been coming about since I took my mandate in March of last year, whereby there is an ever-increasing call for the establishment of a body which is called something like ‘the European Judicial College’. There is an amendment, which was put down last week or the week before, to the Stockholm program calling for the establishment of this college. For some reason the politicians have decided to call it Eurotrain, which sounds like something that you get from London to Paris or London to Brussels. Eurotrain is something which will doubtless form a big part of our debates, and our work, over the next few months, or years.
- 10 Network and mutuality: we do have to bring together, insofar as we possibly can, many disparate judiciaries, many disparate bodies, all within this area of freedom, security and justice, and, leading on just this year to the whole principle of mutual recognition of judgments and decisions. It is another one of the political concepts, What is being sought is to bring together the judiciaries of Europe so that wherever a judgment may be obtained, from whatever court it may be obtained, it can be enforced in any one of the other ones. Time does not permit now to talk about all the other work that is being done. It will not permit elsewhere in this talk, but there is a lot of cross-border work going on in criminal law, terrorism, money laundering, human

trafficking, all manner of area like that. So, it is a busy, busy concept but one which is still being worked out.