



# Court staff and bailiffs' training in European civil and criminal law

## A modern and practical approach to judicial training for court staff and bailiffs in Europe

Anastasia Patta<sup>1</sup>

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### Background

Not all justice professions have had equal access to EU law training in the past. Whereas the offer of continuous training on EU law for judges, prosecutors and notaries is widespread and well-established, this is not the case for other justice professions, such as court and prosecution office staff and bailiffs (judicial officers). One of the main problems and challenges with providing training activities for these professions is the fact that each Member State has a different definition for court staff and different types of bailiffs. The professional status and backgrounds of bailiffs differ in terms of status (public/private officials) and competencies depending on the Member State. There is also a wide diversity of educational background, responsibilities and specific roles of the court staff in each country. For a long time, there has been an overall lack of awareness of the EU law aspects of court staff and bailiffs' duties. The recent *Study on the training needs of court staff on EU law in the EU*<sup>1</sup> as commissioned by the European Commission to the consortium led by the European Judicial Training Network (EJTN) in collaboration with the European Institute of Public Administration (EIPA) was able to identify the categories of court staff in need of training on EU law to carry out their duties on the basis of their tasks and

<sup>1</sup>European Commission, Directorate-General for Justice and Consumers, Study on the training needs of court staff on EU law in the EU, Publications Office, 2021, <https://data.europa.eu/doi/10.2838/390247>.

✉ A. Patta  
[apatta@era.int](mailto:apatta@era.int)

<sup>1</sup> Senior Lawyer, Private Law, Academy of European Law (ERA), Trier, Germany

function. Approximately 180,000 court staff in EU Member States require, or may require, training in EU law.

In 2021, only 9.1% of court and prosecutorial office staff and 9.5% of bailiffs participated in continuing training activities on EU law.<sup>2</sup> The *European judicial training strategy for 2021-2024*<sup>3</sup> has set “new and ambitious objectives that are more tailored to the training needs and levels of participation in EU law training of the professions in focus”. According to these new objectives, by 2024 15% of all EU court and prosecutorial office staff in need of EU law competence should receive yearly continuing training on EU law. Most of the EU Member States did not reach this target in 2021. For bailiffs, the objective is even higher at 20%. Only six Member States reached this goal in 2021, namely Belgium, Estonia, Hungary, Latvia, the Netherlands, and Romania.

The abovementioned *Study on the training needs of court staff on EU law in the EU*<sup>4</sup> is an important publication that provides useful insights for the design of court staff training. It was based on questionnaires that were filled out by national coordinators from 23 EU Member States. Most of the respondents indicated that the amount of training in EU law currently provided for court staff who require (Type 1) or might require (Type 2) training in EU law was insufficient. The Study concluded that “a lack of sufficient budget, time and relevant trainer expertise widely results in insufficient training in EU law being offered to Type 1 and 2 court staff. There is also a fourth factor, namely a lack of prioritisation. It is clear that in some Member States, court staff do not receive sufficient training in EU law because of lack of prioritisation of this topic in training activities. Lack of prioritisation is due to several factors, including the assumption in some jurisdictions that court staff do not need training in EU law.”

The Academy of European Law (ERA) and EJTN coordinated two pilot co-financed training projects for court staff<sup>5</sup> over the past five years in the areas of EU civil and criminal law and received valuable feedback from the partners, trainers and participants of the project activities on the needs and training priorities of this justice profession. Over 900 anonymous evaluation questionnaires were returned by court staff attending the projects’ training activities and 27 seminar reports were drafted by the national experts appointed by the partners. In these, the following elements were repeatedly highlighted: i) the lack of sufficient training at national level on EU legal instruments, ii) the need for training on EU cross-border civil procedures, iii) the desire and need for exchange between court staff of different Member States and iv) the need for improvement of legal English skills.

<sup>2</sup>Report on European judicial training 2022 published by the European Commission.

<sup>3</sup>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 2.12.2020 – a European judicial training strategy for 2021–2024 (COM(2020) 713 final).

<sup>4</sup>See Study on the training needs of court staff on EU law in the EU, p. 68 and p. 111.

<sup>5</sup>Grant Agreement No 806998 – Better applying European cross-border procedures: legal and language training for court staff in Europe – Court Staff Training; Grant Agreement No 851999 – Better applying European criminal law: legal and language training events for court staff across Europe – Court Staff Criminal.

The practical approach and methodology chosen for these two projects – with the development of tailor-made, standardised training materials and the provision of practical training with various workshops – was effective and enabled participants to deepen their knowledge of the relevant instruments. The training projects achieved their expected results and were very popular among the participating trainers/experts and court staff.

Building on the knowledge and experience gained from the implementation of these projects, ERA envisages to continue tackling the identified deficiencies of court staff and bailiffs' training in EU law by adopting a modern, innovative, and practical approach to EU judicial training.

### **A new project for court staff and bailiffs**

Under the Justice Programme 2021–2027, ERA is implementing a new training project for court staff and bailiffs<sup>6</sup> in partnership with EJTN, the Belgian Judicial Training Institute (IGO-IFJ), the Bulgarian National Institute of Justice (NIJ), the Romanian National School of Clerks (NSC) and with the support of 13 national judicial training institutions (from Austria, Croatia, Czech Republic, Estonia, Finland, France, Lithuania, the Netherlands, the Republic of North Macedonia, Poland, Slovenia and Spain) and the European Union of Judicial Officers (UEHJ). The project officially started in January 2023 and will have a duration of 27 months.

There are several aspects that make this project innovative, ranging from the target groups, the content and format of the planned training activities to the creation of modern training materials. Acknowledging the need to provide training to all judicial professions, this project is targeting court staff and bailiffs together, and whilst each of the previous projects focussed on one legal area, this project encompasses EU civil law, EU criminal law, and digitalisation. All planned training events will for the first time be offered at a pan-European level, bringing together court staff/bailiffs from all over the EU. To better accommodate the various training needs of the target groups, reflecting different levels of prior knowledge and experience in applying EU instruments, the legal seminars will be offered in both introductory and advanced level. To complete the offer, a seminar focussing on legal writing will be organised to give support to those participants on how to write judgements, who need to fulfil this task in their daily work. Regarding training formats, this project will comprise of face-to-face, online and hybrid events to offer a maximum of accessibility to all interested. Finally, the project aims at providing up-to-date standardised training packages to set up interactive seminars on EU civil and criminal law matters for court staff and bailiffs, including the development of two interactive and stand-alone e-tools for legal English in civil and criminal law matters.

As to the way this project proposal is conceived, it complements – and does not duplicate – the activities offered by EJTN for court staff and also by addressing bailiffs, a profession which is not part of EJTN's remit. As of 2022, EJTN is integrating court staff into its training activities by offering places to this profession in all its activities, and not by offering a separate training portfolio exclusively for court staff.

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<sup>6</sup>Grant Agreement No 101089604 – Training court staff and bailiffs in European cross-border civil and criminal law procedures – CSAB Training.

## Approach of the project

To familiarise court staff and bailiffs with the relevant EU *acquis* and to increase their confidence in their future using of the available legal instruments and procedures, it is essential to identify the court staff's and bailiffs' specific training needs, to provide interactive, well-structured and accessible training, and to improve the target group's English communication skills.

The responsibilities and specific roles of court staff and bailiffs, as well as their educational background, differ in each Member State. It is therefore crucial to identify the concrete tasks and training needs resulting from EU law instruments and cross-border cooperation common to all jurisdictions. The project relies on the results of the *Study on the training needs of court staff on EU law in the EU* which identified the training needs of court staff that require or might require training in EU law to perform their tasks and functions. According to the Study questionnaire<sup>7</sup> filled out by 23 EU Member States, further training is needed in the following areas (top answers): international cooperation in civil matters (20), linguistic skills (20), international cooperation in criminal matters (19), cross-border civil and criminal procedures (19), cross-border e-justice (19). For the training needs of bailiffs, the national reports provided by 24 Member States including information on the profile, activities and training of bailiffs as listed on the European Union of Judicial Officers (UEHJ) website<sup>8</sup> were consulted. The project will thus cover the following instruments:

EU civil law: Brussels Ia Regulation, European Enforcement Order, European Payment Order, European Small Claims Procedure, Service of documents, Taking of evidence.

EU criminal law: European Arrest Warrant, European Investigation Order, Legal framework of mutual legal assistance within the EU and the cooperation tools available to facilitate, Directives for pre-trial detention, custodial sentences, supervision of probation measures and alternative sanctions, Freezing, seizure and confiscation under Directive 2012/42/EU.

To complete the offer and better cover the training needs of court staff/bailiffs with different levels of prior knowledge and experience in applying the selected EU instruments, training will be offered in both basic/introductory and advanced level.

Training based on solving coherent practical case studies, requiring the active involvement of participants and thus steering a continuous exchange of knowledge, has been identified as a recommendable training methodology.<sup>9</sup> The *EJTN Distance Learning Handbook 2020*<sup>10</sup> states that

*“European and international trends in training are increasingly focused on interactive training. This is especially important in legal education where learning on the job, learning from cases (...) and other interactive methods, gives the best results. To this end, more and more training uses e-tools to enhance the training experience.”*

<sup>7</sup>See Study on the training needs of court staff on EU law in the EU, p. 71.

<sup>8</sup>See <https://www.uehj.eu/>.

<sup>9</sup>See European Commission, Directorate-General for Justice and Consumers, Advice for training providers – European Judicial Training 2015, p. 7.

<sup>10</sup>See Distance Learning Handbook 2020, Judicial Training Methods, European Judicial Training Network, p. 26.

The project will consult the list of recommended interactivity e-tools, instruct the trainers to make use of them whenever suitable and offer practical and interactive training in an EU environment for court staff and bailiffs.

The *European judicial training strategy for 2021–2024*<sup>11</sup> stresses that “face-to-face (including cross-border) training activities are essential to develop skills and attitudes and build mutual trust by enabling free discussions in a climate of trust and respect. (...) EU-level training should also help pilot new approaches, such as hybrid formats (combining face-to-face and online) and face-to-face cross-professional training on specific topics of relevance.” It adds that “top-quality e-learning and access to e-resources on EU law should become a reality for all professionals. They should complement and multiply the benefits of face-to-face activities with up-to-date materials and stand-alone learning tools, so as to make the best possible use of e-justice.” Furthermore, the *Survey on online training in the legal professions* that ERA carried out in 2019 found that “77% of participants who had never taken part in online training sessions before the pandemic would now be interested in participating in online training in the future”. The current project will offer training in various formats – face-to-face, hybrid, online – and will guarantee swift conversion into high-quality online training if required to ensure the safety and health of participants.

As stated above, ‘linguistic skills’ was identified as one of the areas where further training is needed. In the past projects, ERA offered interactive and practical training events combining both English-language training on legal terminology and training on EU legal instruments. This methodological approach met the expectations of participants and was adopted again for this project.

## Methodology

ERA will build on the experience acquired during the implementation of the successful projects on training court staff and expand their methodology. One of the recommendations made in the *Study on the training needs of court staff on EU law in the EU*<sup>12</sup> is that the ERA/EJTN projects “should be adopted in full as providing a tried and tested methodology for the effective delivery of cross-border and transnational court staff training in areas of EU law in which there is a common interest”.

The training packages developed under the previous projects which were successfully employed during the implemented seminar series, will again form the basis for the planned training events. The training packages must be up-to-date to allow for the provision of relevant and practical training. In the area of EU civil law, for example, two recast regulations, one on the taking of evidence and a second on the service of documents were adopted in 2020 and need to be incorporated in the relevant materials. In EU criminal law, a significant amount of new case law of the Court of Justice of the European Union concerning the European Arrest Warrant needs to be taken into consideration.

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<sup>11</sup>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 2.12.2020 – a European judicial training strategy for 2021–2024 (COM(2020) 713 final).

<sup>12</sup>See Study on the training needs of court staff on EU law in the EU, p. 107.

The training packages consist of a) lectures and case studies covering the above-mentioned EU instruments, including the case scenario, suggested solutions as well as the necessary background materials and methodological advice for their implementation, and b) two manuals on legal terminology in English including language exercises one on EU civil law and one on EU criminal law. The latter will form the basis for the creation of e-tools in EU civil and criminal matters. The e-tools created can be employed for the provision of blended learning in the framework of the planned language seminars as well as self-standing learning tools. Their main purpose will be to assist users who wish to improve their level of English in this field of law.

Only after the updating of the materials will ERA and the consortium proceed with the organisation and implementation of the seminars. Two series will be offered:

- (i) Series of pan-European legal training events on specific aspects of cross-border civil and criminal law matters
- (ii) Series of language training events on European cross-border civil and criminal procedures

The 11 pan-European legal seminars will have a duration of 1.5 days each, will be held in English and will be hosted by the consortium in various Member States. Nine seminars will be held face-to-face and two seminars will be conducted in a hybrid format. A fair balance will be sought between the topics of the seminars. To address the various training needs of the target groups, two different training levels will be offered, introductory and advanced.

The training will be based on introductory face-to-face presentations and the solving of the case studies developed. While working on the case studies, the participants will be divided into smaller working groups, thus ensuring the active participation of all attendees. The case studies include exercises that require participants to visit and use the tools/online forms available on the e-Justice Portal, and to search for the relevant case law by using the European case-law search engine. The materials are designed in such a way as to promote discussions in the context of digitalisation in judicial cooperation.

In parallel to the organisation of the purely legal seminars, a series of 10 language training events will be implemented by ERA and EJTN with the support of the consortium. Each event will have a duration of 2.5 days and will address max. 24 court staff/bailiffs from various EU countries. Eight events will be held face-to-face in Trier and Brussels, whilst the remaining two will be held online. The online seminars will follow a specially adapted training programme and will be attended by max. 16 participants each to ensure interactivity in the online training environment. Five seminars will deal with EU cross-border civil procedures and five with EU cross-border criminal procedures.

These events will comprise English language training on the one hand, and training on the selected EU legal instruments on the other. Participants will be divided into two groups upon assessment of their linguistic strengths. This will guarantee a workable number of in-depth language training and will not influence the transnational character of the event, as participants will originate from at least seven countries. This approach will also allow parallel sessions during which one group will receive legal and the other one language training, thus ensuring that all essential aspects can

be covered in 2.5 days. The standardised training programmes will offer a mixture of training methods, varying from lectures to interactive workshops. The experts will have all training materials developed at their disposal.

The training packages and all information related to the project's activities will be centralised in the specially developed project web page.<sup>13</sup>

By the end of the project, approximately 550 court staff and bailiffs from all corners of Europe will have received practical training on EU law. Court staff and bailiffs' training providers will have at their disposal an up-to-date training package allowing them to offer practical and targeted training for court staff and bailiffs in EU civil and criminal law in the future.

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## Declarations

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<sup>13</sup>Detailed information can be found on the project's web page: <https://csab.legaltraining.eu/>.