
EU project “European Judicial Training for Court Staff and Bailiffs”

EU Cross-border litigation for court staff: Training of trainers

Module 2: EU judicial cooperation in family and criminal matters

27-30 September 2016

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Seminar Venue: EIPA Luxembourg – European Centre for Judges and Lawyers, 2 Circuit de la Foire Internationale, 1347 Luxembourg

Programme

Introduction

Objectives:

The objective of this overall training programme is to prepare court staff trainers to ensure the training on EU law at National level. For this reason, the module has two goals namely

- To fine-tune practical understanding of the relevance and impact of EU legislation on their daily work, and
- To provide a platform for the exchange of experience, information sharing and professional networking.

Trainer(s):

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Programme

Tuesday 27 September 2016

Programme planning for court staff. General methodology and practice

08.45 **Registration of Participants**

09.00 **Presentation of programme**

- Presentation of experts
- Objectives and methodology
- Presentation of participants, including their interests and expectations

Experts & Participants



- 10.00 **Defining the fields of cross-border cooperation in family matters in which court staff and bailiffs needs special knowledge, capacities and skills**
- Discussion within the groups of participants.
 - Discussion in plenary with the expert. Elaboration of a final list.
- 10.45 Coffee break
- 11.15 **Workshop**
- Multiple-choice test to pre-assess the main concepts of judicial cooperation in family matters
 - Presentation of results in plenary and discussion with the expert the topics that court staff needs special knowledge, capacities and skills
- 12.15 Lunch
- 13.15 **Main aspects of the judicial cooperation in family matters**
- The harmonisation process of instruments
 - The role of court staff and bailiffs in judicial cooperation in family matters in the EU
- 14.15 Coffee break

Jurisdiction in family matters

- 14.30 **Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels II-bis)**
- This session will give an overview on the essential aspects regarding the scope, special terminology and concepts developed under the regulation
- 15.45 **Jurisdiction rules under Brussels II**
- This session will principally focus on general and special rules on jurisdiction
- 17.00 End of Day 1

Wednesday 28 September 2016

Visit to the Court of Justice of the European Union

- 08.20 Arrival of participants at the visitor's entrance
- 08.45 Presentation of the case
- 09.30 Hearing of case XXX
- 11.30 Meeting the professionals of the Court of Justice of the European Union
- Roundtable: The work of the Court of justice of the European Union and its cooperation with the national Courts
- 13.00 Lunch at the CJEU



Jurisdiction in matters relating to maintenance obligations

14.30 **Council Regulation (EC) 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations**

This session will give an overview on the essential aspects regarding the scope, special terminology and concepts developed under the regulation

15.30 Coffee break

Recognition and enforcement of judgments

15.45 **The enforcement of court decisions in family matters**

- Enforcement of court decisions under the Brussels II Regulation
- Enforcement of decisions under the maintenance obligations regulation

17.15 **End of the Day 2**

Thursday 29 September 2016

Criminal matters - Procedural rights for suspected and arrested persons

09.00 **Workshop**

- Multiple-choice test to pre-assess the main concepts of judicial cooperation in criminal matters
- Presentation of results in plenary and discussion with the expert

10.00 Coffee break

10.15 **The EU Right to a fair trial**

EU legislation related to the procedural rights of suspected and accused persons in criminal proceedings has been a long-standing debt of the EU criminal area. Following the lines set by the Roadmap of strengthening procedural rights adopted by the Ministers of Justice in 2009, the EU has systematically proposed and adopted legislation in this area bringing EU legislation fully in line with the standards set by the European Court of Human Rights.

In November 2013, the Commission launched the package of legislative proposals to further strengthening procedural safeguards for citizens in criminal proceedings.

11.00 **Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings**

- The scope and content of the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings
- The main challenges that the court and prosecution offices' staff are facing during the implementation of the interpretation procedures: quality of interpretation and translation; procedures to ascertain the need of an interpret; communication with defence lawyers, police, prosecution, judges; use of communication technology – videoconferences, remote interpreting; assisting persons with deficiencies
- Right to translation procedures - main challenges: essential documents, summary, quality of the translation
- The right to interpretation and translation in proceedings related to the European Arrest Warrant; specific challenges due to the expeditious nature of the cross-border procedure.
- The costs



12.00 Lunch

13.00 **The right to information**

- Standards set by the case law of the European Court of Human Rights,
- EU Member States' legislation and practice,
- Scope and content of the Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings
- The main challenges facing the court and prosecution offices' staff during the implementation of the right to information procedures
- Right to information and the European Arrest Warrant

14.30 Coffee break

14.45 **Simulation and role-play exercise.**

Direct communication between judicial authorities. Completion and transmission of different forms and orders characteristic to cross-border judicial cooperation.
Legal clerk's procedural role, tasks, succession and timing accordingly to the EU Directives and national laws.

17.00 End of the Day 3

Friday 30 September 2016

Criminal matters – The rights of the victims of crime

09.00 **Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime**

- Scope and content of the directive
- The main challenges facing the court and prosecution offices' staff and clerks during the implementation of the rights, support and protection of victims of crimes
- International and national jurisdiction practices regarding victim protection

10.15 Coffee break

10.45 **Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**

- Scope and content of the directive
- The main challenges facing the court and prosecution offices' staff and clerks during the implementation of the rights, support and protection of victims of crimes

12.00 Lunch

13.00 **Debriefing 1: Analyses of the training materials**

Participants are invited to share their comments, observations and ask questions relating to their experience as court staff trainers

14.30 **Debriefing 2: Good and promising practices identified**

16.00 **Evaluation**

17.00 **END OF THE TRAINING**

