



*European Expertise and Expert Institute
Institut Européen de l'Expertise et de l'Expert*

Training Project:

Status as of 03 november 2014 & call to contributors

Abstract

Within the framework of proposals on the improvement of the efficiency of judicial procedures that are currently under study both by the European Commission's Directorate General for Justice and the Council of Europe, the Institute has decided to launch a "training" project that will consist in establishing the common principles and modalities of the training of experts.

Within the next four to six months, as a first step, a think tank will prepare the directions to be submitted to the European Commission in view of obtaining the qualification of the project for the necessary funding.

If the project is declared eligible, it will then be launched.

It is a very important project that will make it possible to treat the structure of expertise itself and the continuous training of experts, whatever the judicial systems in place across the various countries concerned.

It is in this spirit that in the following text we are inviting you to contribute as a participant or observer to the first stage of our study that will begin shortly.

You have already shown an interest in our work, and we are certain that you will understand how important this project is for the Institute and more particularly for the quality of judicial expertise.

Let us know in the next few days whether you would like to contribute as a participant or an observer in the "training" project.

With many thanks,
b.declerck@experts-institute.eu - +33661368822

Background

Training of Judicial experts was at the heart of the initial EEEI project, however this topic was set aside in favour of other pressing issues, and namely by the Training Programmes launched by the European Commission's Directorate General for Justice.

However, training is a crucial topic, and when in the first term of 2014 the DG Justice asked the EEEI to send a representative to attend a seminar it was organizing to talk about its plans for training, it was decided that the EEEI would take part in this seminar, and that Benoit De Clerck would attend.

The proceedings of the seminar and training policy of DG Justice are appended.

The call for submissions

See appendix

Stakes

The question of "training" is at the heart of the architecture of judicial expert training in Europe, and the EEEI must be actively involved in it.

Firstly, because for all the very diverse state bodies concerned with this topic and based on common European principles, it is essential to know who determines the training programmes, who organises them, who carries them out and who controls their implementation ...

As we can see, the issue goes well beyond the scope of the material process of training to include the entire organisation of expert procedures within the judicial process.

Secondly, because "training" concerns the technicians appointed by a judicial authority and who must provide opinions that may lead to a legal decision, but also perhaps (in varying degrees) also the "expert witnesses", "legal experts" in the countries that authorise them, the "state services" and perhaps to a certain extent the "party counsels" or "amicus curiae".

The EEEI must most probably address all the existing possibilities across the various States of the European Union, in order to better gather participants.

Training in itself covers not only “procedure” but also technical competence. This is a key to be able to benefit from a pool of highly qualified experts. It is a general issue that must be adapted to each national legislation.

To have a global project on “training” would likely accelerate the establishment of procedures and help to structure associations of experts in those EU countries where this is not the case yet.

Possible axes for proposals

As a preliminary point, one must note that three fields of training are essential to experts: the procedure, the conduct of expertise and the professional areas.

It should also be acknowledged that experts are not specifically mentioned in the call for proposals of the DG Justice: there is still some way to go.

An EEEI proposal could be along three axes :

- On the basis of both EUREXPERTISE & EGGLE projects, the EEEI may propose a distinction between what should be shared at European level and what remains specific to each country. This would allow for a raise of interest from all member countries of the Union.
The above proposal might also include a broader project for countries where expertise is yet unstructured. Non-started work of EEEI on criminal expertise might however limit the relevance of our answer.
- EEEI may propose to carry out an inventory of the current training offer on expertise in EU countries and more generally do a census of institutions capable of determining the training, providing it and follow-up in their implementation.
- Finally the EEEI could propose to set up a normalised training process for a common European procedure of expertise.
- The EGGLE project could in fact introduce this notion as a materialisation of some of its recommendations.

Next steps

As mentioned above, work on proposals or on evaluation of expertise will only conduct to recommendations and help implementation of an effective training organization. Such a project would make EEEI more conspicuous, unavoidable indeed, to European bodies.

However, EEEI resources are currently strongly mobilized by the EGLE project. In addition, it is desirable that the training project is driven by a more international management team than the EGLE project is.

For these reasons, it was decided to postpone the grant application at a term beyond 17 November 2014.

We shall then proceed as follows:

- We shall establish a management team to work on this project by creating contacts and finding volunteers. With the support of this team, to develop a text that would prefigure the project.
- Whenever possible, we shall submit the document to the DG Justice to propose a project and apply for funding. You will be consulted in early 2015 to review the project.
- On the ground of this text, we will incur lobbying operations in Brussels in the first half of 2015, with our contacts within the DG Justice, the European Union, the European Parliament.
- When we believe that we can succeed, we will propose the project.

This preliminary project, which will be piloted Benoit De Clerck, begins today. This memorandum should be read as a call for contributors.

Such contributors are expected (at least) in the following countries: France, UK, Germany, Netherlands, Italy, Spain...

The working language of the project is English. If you are interested, thank you kindly point out to him¹; when Benoit appeals to you, thank you for helping him to find interested people in your country.

written by Jean-Raymond LEMAIRE
on 10/19/2014

The present invitation to contribute is sent in priority to:

- *individual experts and experts bodies, through a deputy-expert,*
- *lecturers at university and all professionals of training*
- *magistrates and judges*

¹ Mail : b.declerck@experts-institute.eu - mobile : +33661368822