Role of the national judge in the European judicial system

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The Committee on Legal Affairs unanimously adopted the own initiative report by Diana **WALLIS** (ALDE, UK) on the role of the national judge in the European judicial system.

The national judge as first judge of Community law: MEPs note, above all, that the European Community is a community based on the rule of law and that Community law remains a dead letter if it is not properly applied in the Member States, including by national judges, who are therefore the keystone of the European Union judicial system and who play a central and indispensable role in the establishment of a single European legal order. They welcome the Commission's acknowledgment that national judges play an essential role in ensuring respect for Community law, for example through the principles of the primacy of Community law, and call on the Commission to proceed without delay with the publication of an information note on actions for damages for breaches of Community law by national authorities.

Issues relating to language: MEPs consider that language is the main tool of practitioners of justice. In this context, they consider that the current level of foreign language training for national judges, in conjunction with the actual level of knowledge of Community law, limits not only possibilities for judicial cooperation on specific instruments, but also the development of mutual trust. They therefore call on all players involved in judicial training to give specific attention to the training of judges in foreign languages. Overall, MEPs consider that it is in the public interest to **enhance the language skills of the judiciary** in the Member States and to ensure that such training is free of charge and easily accessible. Likewise, access to academic literature in the judge's mother tongue is essential for a better understanding of Community law, for example concerning private international law issues. MEPs therefore call on the Commission to support the development of such literature, particularly in the less-spoken official languages.

Access to relevant sources of law: noting that complete and up-to-date information on Community law is not available in a systematic and proper manner to many national judges, MEPs call on the Member States to renew efforts in this area as a true European judicial area in which effective judicial cooperation can take place requires not only knowledge of European law, but also mutual general knowledge of the legal systems of the other Member States. MEPs welcome the Commission's intention to support the improved availability of national databases on national court rulings concerning Community law and are of the opinion that all national judges should have access to databases containing pending references for preliminary rulings from all Member States. Given the wealth of online information available on Community law, MEPs consider that judges must be trained not only in the substance of the law, but also in how to access up-to-date legal sources efficiently.

Towards a more structured framework for judicial training in the European Union: MEPs call for the **EU component in the training at national level** of all members of the judiciary to be systematically incorporated into training for, and examinations to enter**,** the judicial professions. This training should take place at the earliest possible stage and cover methods of interpretation and legal principles which may be unknown to the domestic legal order, but which play an important role in Community law. MEPs encourage the European Judicial Training Network to be made more accessible. They also call on the Commission to provide Parliament with estimates for each Member State of the cost involved in temporarily replacing judges who participate in exchange programmes, as well as an assessment of the results of the Fundamental Rights and Justice Framework Programme, taking the current resolution into consideration. More generally, MEPs call for the creation of a **European Judicial Academy** composed of

the European Judicial Training Network and the Academy of European Law, taking account of relevant experience gained in running the European Police College.

A reinforced dialogue between national judges and the Court of Justice: MEPs call on the Court of Justice and all parties concerned to further reduce the average length of the preliminary ruling procedure, thus making this crucial opportunity for dialogue more attractive to national judges. Moreover, they call on the Commission to investigate whether any national procedural rules constitute an actual or potential hindrance to the possibility for any court or tribunal of a Member State to make a preliminary reference, as provided for in Article 234 of the EC Treaty. MEPs consider that limitations on the Court of Justice's jurisdiction, particularly those concerning Title IV of the EC Treaty, unnecessarily prejudice the uniform application of Community law in those areas, and send a negative message to the vast majority of judges dealing with such matters. MEPs deeply regret that, under Article 10 of the Protocol on transitional provisions annexed to the Treaty of Lisbon, the powers of the Court of Justice with respect to acts in the field of police cooperation and judicial cooperation in criminal matters are to remain the same. They call on the Council and the Commission to join with Parliament in re-adopting those acts.

Laws better tailored to application by national judges: lastly, MEPs take note of the creation of a Forum for discussing EU justice policies and practice. They call on the Commission to ensure that the Forum carries out its deliberations in a transparent manner, and to report on a regular basis both to Parliament and to the Council in this area. They also insist on the need for clearer language in Community legislation, and greater terminological coherence between legal instruments.