Role of the national judge in the European judicial system

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The European Parliament adopted by 625 votes to 50 with 27 abstentions a resolution on the role of the national judge in the European judicial system.

The initiative report had been tabled for consideration in plenary by Diana WALLIS (ALDE, UK) on behalf of the Committee on Legal Affairs.

The national judge as first judge of Community law: Parliament notes, 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. It welcomes 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 calls 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: Parliament considers that language is the main tool of practitioners of justice. In this context, it considers 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. It therefore calls on all players involved in judicial training to give specific attention to the training of judges in foreign languages. Overall, Parliament considers 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.

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, Parliament calls 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. It welcomes the Commission's intention to support the improved availability of national databases on national court rulings concerning Community law and ise 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, Parliament considers 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: Parliament calls 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. It encourages the European Judicial Training Network to be made more accessible. It also calls 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, Parliament calls 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.

Plenary highlights the fact that the European Judicial Training Network enjoys a de facto monopoly for operating the Exchange Programme for Judicial Authorities and calls for the procedures concerning the funds for that Exchange Programme to be streamlined in order to ensure that funds are made available in good timing so as to enable the Network to organise and run an efficient programme which meets the expectations of, and commitments made to, participating national schools, international bodies and judges and prosecutors. It considers that, if this is not the case, the credibility of the Exchange Programme may be called into question.

A reinforced dialogue between national judges and the Court of Justice: Parliament calls 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. It also calls on the Court of Justice to consider all possible improvements to the preliminary ruling procedure which would involve the referring judge more closely in its proceedings, including enhanced possibilities for clarifying the reference and participating in the oral procedure. Moreover, it calls 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. Parliament considers 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. The Parliament states that in view of the introduction of an urgent preliminary ruling procedure, it agrees with the Council that it is important for the Court of Justice to provide guidance to which national judges could refer when deciding whether to request the urgent procedure.

It on the other hand, deeply regrets 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. It calls on the Council and the Commission to join with Parliament in re-adopting those acts.

Parliament considers that, in a decentralised and mature Community legal order, national judges should not be marginalised but rather given more responsibility and further encouraged in their role as first judges of Community law. It therefore urges consideration of a **"green light" system** whereby national judges could include their proposed answers to the questions they refer to the Court of Justice, which could then decide within a given period whether to accept the proposed judgment or whether to rule itself in the manner of an appellate court.

Laws better tailored to application by national judges: lastly, Parliament takes note of the creation of a Forum for discussing EU justice policies and practice. It calls 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. It also insists on the need for clearer language in Community legislation, and greater terminological coherence between legal instruments.

Parliament strongly supports the Commission's insistence that the Member States systematically provide correlation tables setting out how Community directives are applied in national regulations. It agrees that such tables provide valuable information and increase transparency in the implementation of Community law.