
CCBE

**CONSEIL DES BARREAUX DE
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ANWALTSCHAFTEN DER
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LOS COLEGIOS DE ABOGADOS DE LA
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VAN DE EUROPESE UNIE CONSELHO
DAS ORDENS DE ADVOGADOS DA UNIÃO
EUROPEIA ΣΥΜΒΟΥΛΙΟ ΤΩΝ
ΔΙΚΗΓΟΡΙΚΩΝ ΣΥΛΛΟΓΩΝ ΤΗΣ
ΕΥΡΩΠΑΙΚΗΣ ΕΝΩΣΗΣ RADET FOR
ADVOKATERNE I DEN EUROPÆISKE
FAELLESKAB EUROOPAN UNIONIN
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ADVOKATSAMFUNDEN I DEN
EUROPEISKA UNIONEN COUNCIL OF
THE BARS AND LAW SOCIETIES OF THE
EUROPEAN UNION**

DISCUSSION PAPER
TRAINING

CCBE DISCUSSION PAPER WITH A VIEW TO THE HARMONISATION OF THE QUALITY OF THE LAWYERS' TRAINING IN THE EUROPEAN UNION

Acknowledgement

1. The Directives on the free provision of services, recognition of diplomas and free establishment, create a legislative framework greatly facilitating lawyers' mobility in the whole European Union.
2. If this legislative framework is an essential condition for mobility, there is still another condition which no text may decree: confidence in the quality of the lawyer coming from another Member State.
3. The report set out by the CCBE at the Vienna Presidents' Conference held in February 1998 proves that notable differences exist in the preparation of young lawyers for the legal profession, as in the requirement of a continuing education for the Bar's members.
4. The organisation of Justice is within the exclusive competence of Member States and is still marked by notable differences between the States. It is the framework of a great part of lawyers and one may really think that those national differences shall not disappear before long.

General conclusions

1. The harmonisation of the training quality does not necessarily imply a harmonisation of its content. As President Michel Gout told at the 1998 Presidents' Conference: the priority aim is to be a harmonised quality.
2. However, it is essential to guarantee that every lawyer who gets to a Bar within the European Union, has received an education allowing him to apprehend the European dimension of his profession: this implies a training fitting to professional practice of Community law, basic knowledge of comparative law and competence while using modern techniques to accede to information and communication.
3. The competent authority of Member States must attend to put training in connection with each other rather than create new differences while reforming initial or continuing education of lawyers.
4. As the European Union is the legal framework within which the connection is to take place, it is the CCBE's responsibility to centralise pieces of information and to prepare decisions.

5. It is advisable to make a distinction between short-range actions and long-range actions to be undertaken.

Urgent short-range measures

1. A training for the lawyer's professional practice must be obligatory in the whole European Union. This training must be approved by an exam.
2. This training must last at least one year (being understood that in Member States where the training is longer, this must be maintained).
3. The training must consist of learning the professional practice in a law firm and attending a minimum of one hundred hours of lecture which would progressively become two hundred hours.
4. The content of the training must take into account the specificity of the practice of the legal profession in each Member State. However, the training must in the whole European Union consist of:
 - * An introduction to the use of Community law focused on concrete and practical applications of that law
 - * An introduction to characteristic features of great European legal systems
 - * Knowledge of the European Code of Conduct
 - * Training for modern techniques to accede to information and communication.
5. Training of the trainers in charge of teaching matters aimed at the above point 4 must be organised at a European level, which might be the first stage of a future European academy of lawyers.
6. At least a continuing education of 20 hours per year must be obligatory everywhere in the European Union. A tenth of this training must be dedicated to Community law or European comparative law.

Urgent long-range measures

1. A parallelism between progressive harmonisation of the Member States' law and harmonisation of lawyers' training must exist.
2. From this viewpoint, it is necessary to carry out a qualitative study of the systems of initial and continuing education which exist in the Member States and to collect pieces of information related to each system's expenditure and its financing. Under the aegis of the CCBE, this work must gather specialists representing all Member States.

3. It would then be advisable to study the feasibility of a greatly larger harmonisation of training and to prepare, if the case arises, proposals in this respect.
4. It would be advisable to consider if there is a sufficient need in a European academy of lawyers and, if the case arises, if such a creation is feasible. If so, the framework within which such an academy could be created shall be to be examined.