

Exp 2023 Information Webinar Frequently Asked Questions

This document contains the replies to the most common questions asked by participants to the Exchange Programme Information webinar held on 8 September 2022 online. Questions that do not appear in the below list have been replied to individually by e-mail.

The recording of the webinar can be found on the EJTN website at <https://www.ejtn.eu/Exchange-Programme/Calls-for-participation/EXP-webinar-2023/>.

Should you not be able to find the answer to your questions here nor on our website, please contact us at exchangeprogramme@ejtn.eu.

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1. Exchange Programme general requirements

A. General eligibility criteria

1. What are the opportunities for judges from non-EU Member States to take part in the Exchange Programme?

The Exchange Programme activities are open to judges/prosecutors/judicial trainers/court and prosecution staff of the EU Member States.

Under specific conditions, some activities can be open to the following non-EU countries:

- United Kingdom: Judges can take part in EJTN short-term exchanges funded by their own training institution.
- Western Balkan countries: judicial leaders and trainers from Western Balkan countries can take part in exchanges for court presidents/chief prosecutors' exchanges and trainers' exchanges respectively. For more information, please refer to your national training institution.

2. Is there going to be a sanction, if a candidate is selected for a certain exchange and initially confirms, but later cancels his/her participation? Does this participant get blacklisted?

Participants in the Exchange Programme must be fully aware that the allocation to an exchange is binding and they are entitled to withdraw only in exceptional and unforeseen circumstances. In such case, any cancellation shall be communicated as soon as possible and at the latest 4 weeks before the exchange unless in case of unforeseen circumstances (i.e. illness) so the place can be allocated to another participant on the waiting list.

Any cancellation shall be duly justified (i.e. important obligations regarding the function in the origin court, illness...) to the national training institution. Each national training institution applies its own cancellation policy and/or prevents any future participation.

If the cancellation occurs after the participant has committed funds for travel or accommodation, those costs will be not be reimbursed by EJTN.

B. Eligibility criteria per function

1. Does EJTN's target audience include court/prosecution staff? What is the definition of court/prosecution staff?

EJTN represents the interests of judges, prosecutors, judicial trainers and court/prosecution staff of the EU Member States. In the Exchange Programme, General, Trainers, Regional and Bilateral exchanges as well as study visits are open to court staff of the EU Member States. In case of doubt regarding your eligibility to apply as court/prosecution staff, please contact your national training institution. Further information about the court staff definition of EJTN can be found via the following link: <https://www.ejtn.eu/Exchange-Programme/News/Welcoming-court-staff-in-the-Exchange-Programme/>.

2. Are judicial assistants part of the court staff definition?

I am Director of the judicial office in a Commercial Court in Spain. We are called Letrados de la Administración de Justicia. This figure doesn't exist in other countries. To which group can we assimilate ourselves? Are we court staff?

As chief clerk, my tasks are 90% management and 10% judicial. So the judiciary is obviously of great interest to me, but to be received by a colleague who also manages the staff of a court would be even better. How do I know if this type of offer exists?

In case of doubt regarding your eligibility to apply or the activity you can apply to, please contact your national training institution.

3. “Court President”: Are those all the “Behördenleiter” or just the Presidents of the regional courts?

In case of doubt regarding your eligibility to apply or the activity you can apply to, please contact your national training institution.

4. What is a trainer?

For EJTN, a trainer is a person working in the national training institution or who is appointed as trainer by the national training institution. In case of doubt regarding your eligibility to apply, please contact your national training institution.

5. Could lecturers of court procedure from law faculties be included in exchanges?

In principle, lecturers from law faculties are not included in EJTN's target audience. They may only apply if they are also judge, prosecutor or court staff, or judicial trainers working at the national judicial training institution. In case of doubt regarding your eligibility to apply, please contact your national training institution.

C. Language skills

1. What is the language level required?

Language skills requirements vary depending on the activity.

For exchanges, the knowledge of the language of the exchange must be sufficient to understand and speak with the hosts/counterparts, follow a hearing (if in the language of the exchange), read files (if in the language of the exchange). In general, a minimum B2 level in the language of the exchange is strongly recommended.

For long-term training periods, the requirements are that participants must be able to draft legal documents in the language of the host institution (i.e. French for the CJEU, English or French for the ECtHR).

2. If I apply for an exchange in English, will my level of English be requested?

EJTN does not test the applicants' language skills but there may be language tests in the national selection procedure.

You may test you language skills by using the EJTN language testing tool. The link to the tool is available in the application form.

Please refer to your national training institution to know if language skills are tested at national level.

D. Previous participation and multiple applications

1. If I have applied and participated in an individual two-week exchange this year, can I apply next year for a one-week group exchange?

The exclusion rules apply to the type of exchange, not the length (one or two weeks) nor the format (individual or group). Individual two-week exchanges and group one-week exchanges are both offered under the same exchange type: general exchanges. In this case, you will not be able to apply again to a General exchange for 3 years, but you may eventually apply to a Specialised exchange.

The following exclusions apply for short-term exchanges (for bilateral exchanges, please refer to the question in the relevant part):

General exchanges	3-year exclusion rule
Specialised exchanges	3-year exclusion rule
Presidents/Chief Prosecutors exchanges	1-year exclusion rule
Trainers exchanges	1-year exclusion rule

2. Does the exclusion of 3 years apply if I participated in the year 2020 in an individual short-term exchange and I would like to apply to a short-term group exchange in 2023?

If you participated in a General exchange in 2020, 2021 or 2022, whatever the format - group or individual; 1-week or 2-week, you are not eligible to apply for a General exchange in 2023.

3. I accepted to welcome a court staff next month for a week, and I will be his tutor. Am i still eligible to apply in the next 3 years to go myself abroad?

The exclusion rule does not apply to tutors, only to participants.

4. Can we apply both for general and specialised exchanges at the same time ? How many applications can one applicant submit to different countries and programmes?

Only one application per type of exchange within a call can be submitted. The different exchange types are: General exchanges, Specialised exchanges, Court presidents/chief prosecutors' exchanges, Trainers' exchanges. You may apply to several exchange types during the same year. However, this does not increase your chances of being allocated. It is however not possible to be allocated to several exchange types in a given year.

In the application form, you have the possibility to select up to 3 places as well as the option to be allocated to "any other country".

2. Exchange programme activities

1. Which exchange programmes are the most wanted?

General exchanges (depending on the country, see next question) and Bilateral exchanges are the exchanges with the highest number of applications. They are also the ones offering the highest number of places.

2. What countries are highly demanded?

The list is not exhaustive and might evolve from one year to another. Based on last year's call for applications, the following countries were highly demanded in General exchanges: Sweden, Malta, Luxembourg, Netherlands, Finland, Portugal in English, Croatia.

A. Short-term exchanges (General, Specialised, Trainers, Presidents/Chief prosecutors)

1. If I want to attend a general exchange, do I have to complete the online form directly on the EJTN platform, or do I have to communicate to the national institution before that?

National training institutions may have put in place specific selection mechanisms or may ask additional document(s). You are strongly encouraged to check if any national requirement exists before applying to an activity.

In all cases, all applications must be submitted through the EJTN Exchange Programme Platform.

2. If I am applying to a general exchange in France for example, where will the exchange take place exactly in France ? Do you have a list of the hosting cities/courts ?

At the time of the call for applications, the list of hosting courts/prosecution offices is not finalised. You will be informed about the exact location of the exchange in the host country after being allocated.

The Exchange Programme does not provide any guarantee to the participants as regards to the city and the period of the exchange. Please note that the length (one week/ two weeks) or the exchange format (group/individual) might change according to the hosting capacities of the institutions. This information will be confirmed directly by the host institution.

3. Is it possible to take part in a court president exchange even if the person is vice president of the court?

Exchanges for court presidents/chief prosecutors are focused on leadership and court management issues (e.g. media and influence on jurisdiction, Information and Communication Technologies, HR, infrastructure and financial management...). If, in his/her capacity of vice-president, the applicant is dealing with those issues as well, (s)he is eligible to take part in those exchanges.

B. Project-based exchanges

1. Is there a platform where you can meet counterparts or get in contact with them?

Such a platform is under consideration, but it does not exist yet. It is up to each applicant to contact a counterpart depending on the project (s)he wants to support.

Bilateral exchanges

1. If I want to attend a bilateral exchange, do I have to complete the online form directly on the EJTN platform, or do I have to communicate to the national institution before that?

National training institutions may have put in place specific selection mechanisms or may ask additional document(s). You are strongly encouraged to check if any national requirement exists before applying to an activity.

In all cases, all applications must be submitted through the EJTN Exchange Programme Platform.

2. If someone has participated in a bilateral exchange in the year 2022, can she/he now apply to the exchanges of 2023? Is there any restriction? Our court takes part in a bilateral exchange this year. When can we apply next?

No, any court of prosecution office that participated in the previous year is not eligible to apply again in the following year. An application may however be justified, for example if the visiting delegation is composed of judges/prosecutors who have not participated in the previous year. The exclusion rule is always linked to the participation of a person.

3. How shall I apply to a bilateral exchange? Can I send my application by email?

As of 2022, the applications for bilateral exchanges must be submitted via the Exchange Programme platform in the “project-based exchanges” section. Any application sent by e-mail to EJTN will not be considered.

Regional exchanges

1. If I am located close to a border, can I apply to any neighbouring country of my country?

The Regional exchanges are focused on local cooperation. Therefore, you can only apply to the closest country meeting the distance criteria (e.g. 150km from that country).

Judiciary learning grant programme

1. Are Judiciary learning grant exchanges open to court staff trainers?

The Judiciary learning grant programme is currently not open to court staff or court staff trainers.

C. Long-term training periods

3. Are there special formalities regarding the CV and the motivation letter (length, document format, certain topics to address, etc.)?

Ideally, the CV should respect the “Europass” format. The motivation letter should be written in the language that will be used during the long-term training period. All documents should be submitted in pdf-format.

4. Can you please specify the selection criteria for the long-term training period at the Court of Justice of the European Union?

The final selection of the long-term trainees at the Court of Justice of the EU is the sole prerogative of the Court on the basis of the profiles of the applicants. Applicants must meet the following requirements:

- have at least one year of experience as a judge/prosecutor;
- be familiar with EU law
- candidates must have a proven adequate knowledge of French to be able to provide support to the Chambers members or the Directorate for Research and Documentation in processing files and drafting decisions
- good knowledge of another EU language is also required

5. Can I apply to a long-term training period if I participated in a study visit during the previous 3 years?

Yes, you can apply. There is no exclusion rule between long-term training periods and study visits.

6. Are long-term training periods open for court staff?

The long-term training periods are open only for judges and prosecutors of the EU Member States.

7. What are the standards used to assess the applications and motivation letters for long-term training periods at the European Court of Human Rights?

The final selection of the long-term training trainees at the European Court of Human Rights is the sole prerogative of the Court which evaluates the applications based on the profiles of the applicants and its needs. Applicants must meet the following requirements:

- be a judge (either ordinary or administrative) or a prosecutor;
- have about 5 to 10 years’ work experience;
- have a thorough command of English or French (ability to draft decisions in one of these languages).

8. Do we have to provide the language certificates written in foreign language (English, French)?

The possession of a language certificate is sufficient. The document itself can be issued in any language of the EU.

9. Do I need the authorisation of my hierarchy before applying to a long-term training period?

Yes, prior authorisation of hierarchy/home court is required to apply to a long-term training period.

10. Regarding the requisite for 5 years of experience to apply for a long-term training period at the European Court of Human Rights, does a previous experience as an attorney count or has it to be strictly as a prosecutor/judge?

The requirement refers to the professional experience in the capacity of judge or prosecutor. However, applicants are encouraged to add any professional experience which is relevant to the activity.

3. How to apply? Tips & tricks

1. Where do court staff (clerks, etc.) can find the relevant application forms?

Court staff may apply via the Exchange Programme application platform available at: <https://exp-platform.ejtn.eu/>.

Please have a look at the following document to find out how to access the right application form: https://www.ejtn.eu/PageFiles/9762/Exchanges%20for%20court%20staff%20and%20trainers_Where%20to%20apply.pdf.

2. In the application form, there is a question on previous participation in a specialised exchange. Which exchange is this one? The bilateral exchange?

The question refers to specialised exchanges.

Specialised exchanges are individual or group short-term exchanges where specialised judges/prosecutors can extend their expertise in a specific area of law in a court or prosecution office of another EU Member State. In 2023, specialised exchanges are offered in the following areas: Anti-corruption, Asylum/Refugee law, Banking law, Company law, Competition law, Counter-terrorism, Environmental law, Family law, Financial crime, Intellectual Property law, Juvenile law, Labour law, Mediation, Migration law, Organised crime, Patent law, Regulated market law, Sentence enforcement, Tax law.

Bilateral exchanges are project-based exchanges where, on their own initiative, groups of judges, prosecutors or court staff from the same court or prosecution office spend one week in a court or prosecution office in another EU member state to exchange experiences and best practices on a specific topic of common interest. Groups are generally formed of 5 participants.

3. If the exchange offer only mentions “collective” (i.e. group), does it mean that the activity will be organised only if there are several candidates?

A group exchange means that the exchange will gather participants from several nationalities in a single date of exchange. In case there are not enough participants to form a group, the exchange will still take place as an individual exchange.

4. Could you explain how can we foresee our chance on being chosen on any of our three choices?

Applications are first preselected at national level by the national training institutions. Then, preselected candidates are allocated depending on the availabilities and the demand for each place. It is therefore complicated to assess your chances for a given year because it depends on the interest of the other preselected applicants.

Selecting the option “I accept to be allocated to any other country” after setting your three choices will maximise your chances of being allocated.

Please also note that you may be preselected by your national training institution, but not allocated because there were many demands for the country you have demanded .

In general, there are more chances of being allocated if selecting a country opening many places. If you are interested mainly by countries that are very demanded and/or opening a few places, you may wish to make 2nd and 3rd choices in countries that are less demanded and/or opening a lot of places.

5. On what criteria will a candidate be allocated over another when the number of candidates for a place exceeds the number of available places?

EJTN tries to allocate as many as applicants to their first, second and third choice. In case there are more applicants than available places, EJTN applies allocation rules that have been set by the EJTN Exchange Programme Working Group, composed of representatives of the different national training institutions (such as the diversity of nationalities in the same group).

4. Post-participation requirements and financial rules

1. What are the financial conditions of the Exchange Programme?

Usually, participants’ travel costs are reimbursed up to 400 Euro (return trip) and the expenses incurred in the country of exchange are covered by the *per diem* (a lump sum amount that depends on the country). However, each activity has precise rules and requirements that may apply. For example, participants in 2-week exchanges and long-term training periods receive an accrued *per diem* covering as well their travel expenses. For this reason, participants must carefully read the financial conditions specific to their activity. Should they have any doubt, they are encouraged to contact the Exchange Programme team.

2. What are the financial conditions applying to long-term training periods?

Participants in long-term training periods are reimbursed of their expenses through the payment of a *per diem*. The *per diem* rate for long-term training periods is 120 EUR, whatever the country where the host institution is located. Please consult the financial conditions for the long-term training periods for further information.

3. Is it possible to receive an advance payment for the participation in a training activity?

Participants in EJTN training activities lasting more than 5 working days are entitled to receive a prepayment. Within the Exchange Programme, this is the case for 2-week general exchanges and long-term training periods. The prepayment is composed of 70% of the *per diem* due.

Participants in other exchange programme activities do not receive a prepayment and are reimbursed of their expenses after the exchange and upon receipt of the required documents.

For more information, read the financial conditions governing the different Exchange Programme activities: <https://www.ejtn.eu/Exchange-Programme/Activities/Exchange-Programme-Financial-Conditions/>