The Academy of European Law (ERA) is a non-profit public foundation based in Trier, Germany, which is supported by the EU and whose patrons now include all 28 EU Member States. In 2018 we celebrated the accession of the 28th and final state – Estonia – to join the ERA foundation.

Our mission is to provide practitioners of law – judges, prosecutors, notaries and lawyers in private practice, business or public administration – with training and a forum for debate on EU law. At our headquarters in Trier, as well as many locations across Europe, we provide high-quality conferences and seminars supported by top speakers across numerous practice areas.

This year’s report looks to the future with insights into the training needs of the legal professions from four leading representatives. As digitalisation, artificial intelligence and LegalTech transform the sector, ERA strives to provide practitioners with all the knowledge and tools they require to stay up-to-speed on developments in European law.
06
Preface
KATARINA BARLEY
Minister of Justice and for Consumer Protection, Federal Republic of Germany

09
Message from the President of the Governing Board
JACQUES SANTER

10
Interview
WOLFGANG HEUSEL
Director of the Academy

16
Focus: The future of the legal professions

20
ERA in numbers

26
Conferences and legal policy debate

30
Practical training courses and workshops

37
Development of training materials
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>ERA Forum</td>
</tr>
<tr>
<td>43</td>
<td>Distance learning</td>
</tr>
<tr>
<td>45</td>
<td>ERA scholarship programme</td>
</tr>
<tr>
<td>46</td>
<td>ERA Conference Centre</td>
</tr>
<tr>
<td>48</td>
<td>The team</td>
</tr>
<tr>
<td>54</td>
<td>The boards</td>
</tr>
<tr>
<td>58</td>
<td>Cooperation partners</td>
</tr>
<tr>
<td>60</td>
<td>Friends of ERA</td>
</tr>
</tbody>
</table>
KATARINA BARLEY
MINISTER OF JUSTICE AND FOR CONSUMER PROTECTION
FEDERAL REPUBLIC OF GERMANY
The European Union is the greatest peace project, founded on cohesion and community. Today, though, it is difficult to shake off the feeling that the EU is drifting apart. This can of course be seen most clearly in Britain and its declared intention to leave the EU. The “how” is still unclear. In other countries too, however, loud nationalist calls to withdraw from the EU have been voiced in recent years.

This development can also be observed in law. Europe has always meant a consensus of values with the resulting common laws and rules. The laws of individual Member States were aligned, and compromise and harmonisation were the order of the day. In the meantime, great differences with far-reaching consequences have become apparent also in this area: German courts, for example, regard the rule of law in some Member States such as Hungary as no longer guaranteed.

But Europe is not just an administrative unit. Europe consists of people. They all have to live Europe — every day. As is written in its statutes, the Academy of European Law has been working for over 25 years to impart “a wider knowledge of European law, in particular European Union law and its application, and to make possible a mutual and comprehensive exchange of experiences”.

Law is the foundation of our orderly coexistence. It is indispensable not only for companies but also for private individuals to have legal certainty beyond intra-European borders. They must be able to rely on the fact that those involved in the application and interpretation of European law have in-depth knowledge of the various areas of European law. Especially in a Europe where there are always new legal challenges to be tackled and where the law keeps evolving, the Academy of European Law fulfils an important role as an independent and thus neutral foundation. In the field of international professional training, ERA has become an established institution in the European legal system.

Europe is formed not from signatures on long treaties. Europe is formed where people from different countries come together and make Europe a living experience. I would like to thank the Academy of European Law for providing a forum for people from all over Europe to learn, discuss and make contacts together. This is how Europe is formed. Thank you very much for your commitment.
Following the exceptional celebrations of ERA’s 25th Jubilee in 2017, last year I was delighted to sign the accession agreement of Estonia to the ERA Foundation, making it the 28th EU Member State to join and meaning that we can now count all EU Member States as patrons of the foundation. Meanwhile, I salute the hard work of the ERA team, who continue to bring high-quality training and discussion in European law to legal practitioners across the continent, not only on technical issues but also on more fundamental questions such as the rule of law and the impact of Brexit.

Jacques Santer
INTERVIEW WITH THE DIRECTOR

THE EUROPEAN COMMISSION HAS RECENTLY LAUNCHED A REFLECTION PROCESS ON THE RULE OF LAW IN THE EUROPEAN UNION, AND HAS INVITED ALL STAKEHOLDERS TO REFLECT AND CONTRIBUTE WITH CONCRETE IDEAS ON HOW THE RULE OF LAW TOOLBOX COULD BE ENHANCED IN THE FUTURE. WILL ERA BE CONTRIBUTING TO THIS AREA OF DEBATE, AND IF SO, HOW?

The ERA Statute sets as one of the primary objectives of our Foundation to provide a forum for a European debate on legal issues of common concern. There is no doubt that the state of the rule of law in the European Union and its Member States is one of the most relevant issues falling under this category, relevant not only because Article 2 of the EU Treaty lists the rule of law as one of the common values on which the Union is founded. As the Court of Justice emphasises in the União dos Juízes portugueses and LM (Celmer) cases, the respect for the rule of law and, more concretely, for the independence of the judiciary is a precondition for mutual trust and thus for judicial cooperation across national borders; it is also the basis for the functioning of the Single Market and the judicial enforcement of its fundamental freedoms as well as of citizens’ rights and the Charter.

For all of these reasons, ERA contributes to the debate and the reflection process through a number of activities. It has made the rule of law part of its standard curriculum by introducing a summer course on the rule of law which will be offered on an annual basis. In the framework of our 25th anniversary celebration 2017, we devoted one of three parallel sessions of our jubilee congress to “Current threats to the rule of law in the EU – the foundation on which the authority of EU law rests”. And last year, the most recent event in our cooperation with the Cour de cassation in Paris examined “The independence of judges in their judicial and social context”. This was a well-attended conference which offered a comparative analysis of the concept of judicial independence in EU and Council of Europe countries, took a closer look at the perceived threat to the rule of law in Poland and Hungary as those EU Member States for which Article 7 TEU procedures have been proposed, and discussed different types of potential threats to judicial independence as well as possible remedies. Speakers included the just-retired former Lord Chief Justice of England and Wales, Lord Thomas of Cwmgiedd, one of the three High Court judges defamed as “enemies of the people” by the pro-Brexit tabloids, and Professor Andrzej Rzepiński, who was president of the Polish Constitutional Court at the time of its reform by the present government, a reform that he criticised sharply.
We all know that the rule of law crisis in the EU reflects the so-called Copenhagen dilemma, as respect of the rule of law is one of the accession criteria defined in Copenhagen in 1993 which is rigorously checked before any European country can expect to be accepted as a new Member State; however, after accession it is much more difficult to enforce such respect effectively on a Member State as the Article 7 procedure requires unanimity among the other Member States before severe political sanctions can be imposed. Given that primary law foresees this and no other procedure to protect the rule of law, it is uncertain whether the Commission’s proposal to make EU funding in a given country dependent on respect for the rule of law – and placing such control essentially in the hands of the Commission – is compatible with the Treaties. This is highlighted in an article by our trustee Maria José Rangel de Mesquita on the proposed Regulation on the protection of the Union’s Budget in case of generalised deficiencies as regards the rule of law in the Member States which was published in ERA Forum 2/2018.

Challenges to the rule of law are of course not exclusive to a few countries with a particular history but may arise anytime, anywhere and not only at national level. All of us must remain vigilant and brave enough to raise our voices, particularly in cases where threats to human rights and the rule of law reflect mainstream opinion. No doubt this topic will keep us busy in the years to come.

“The respect for the rule of law and, more concretely, for the independence of the judiciary is a precondition for mutual trust and thus for judicial cooperation across national borders.”
Legal professionals in business, private practice or courts have always needed to master more skills than just the interpretation, application and enforcement of the law. As the digital transformation of our societies is reaching their professional spheres, they have to acquire the relevant digital skills too. The training of these is not necessarily an issue of legal training, let alone European law training. As happens with language training, this will only become a matter for law training providers to the extent that specific digital skills in the application of the law are required, similar to the need to master legal English in cross-border merger negotiations.

For the time being, I see an ongoing debate within professionals associations on the question to which extent the digital revolution, or more concretely artificial intelligence, could replace human action in a not-too-distant future. While for some the concern about this expected development continues to grow, for others signs of confident serenity appear to be emerging: there will certainly be areas in which AI-based procedures or knowledge management systems provide tools to make the work of the judge or lawyer quicker and more effective, but it seems unlikely that AI will replace human decision-making in court proceedings or business negotiations.

A different question, however, is to what extent the emergence of AI-based activities in different areas will require the development of new rules and regulations at European and national levels. ERA will certainly be present in the analysis and debate of this seminal challenge and contribute to asking the right questions and developing the appropriate answers, possibly in the framework of a new centre of excellence which we hope to be able to set up in the next phase of ERA’s strategic development.
ERA’s ambition has always been to provide practically relevant presentations meeting the highest professional standards for a demanding audience of highly qualified lawyers. Whether we discuss legislative proposals or challenges and problems in the enforcement of existing legislation, whether we provide training on the use of new procedural tools or discuss the state of play in the application of long-established EU law, our speakers have to be experts in the area they address, they have to know and understand the challenges to which practitioners are exposed, and they should know how to address an audience of lawyers who consider themselves peers.

Depending on the subject at stake, speakers in ERA conferences should represent different professional and national backgrounds (courts, private practice, business; EU institutions, national administrations, where appropriate also academia) and use the different working languages of the event, particularly their own should this happen to be a conference language (an expectation which especially German mother-tongue speakers seem to have difficulties to accept). They should have the capacity to speak off the cuff in a clear, intelligible and hopefully entertaining way in the language of their presentation. And they should see themselves as part of a team, addressing the topic allocated to them without intruding into their fellow speakers’ territory. I am happy to state that, by and large, feedback from participants as well as our own experience prove that our speakers deliver on these requirements.
Inspired by the very successful “Themis competition” which the European Judicial Training Network has organised for young judges and prosecutors since 2010, and following a suggestion by the then EJTN Secretary General and ERA trustee Luís Pereira, ERA and the Council of the Bars and Law Societies of the European Union – CCBE – decided to run a first test contest for young lawyers in 2018. Due to funding and scheduling problems, launching the project turned out to be more difficult than expected, but the contest itself proved to be a great success indeed: the concept of a three-step competition, with the delivery of an essay on a pertinent question of EU law before the start of the contest and the defence of the delivered paper at the first stage, a challenging M&A negotiation exercise between two teams at the second, and a moot-court session for the two best-scoring teams at the third stage, provided great fun for contestants and jurors and worked well in practice. The competing teams consisted of three to four young practitioners from different jurisdictions – the concept of nationally mixed teams reflecting working conditions in modern European law firms distinguishes the ERA concept from EJTN’s Themis competition – and the jury was formed by outstanding experts appointed from among ERA trustees and supporters and from the CCBE presidium: Sir Nicholas Forwood QC (chair); Margarete von Galen and Ranko Pelicari (CCBE vice presidents); Vanessa Knapp OBE and Alain Steichen (ERA trustees).

The enthusiasm and motivation of both contestants and jurors encouraged us to propose the project for co-funding under the EU Justice Programme for a two-year period. Our application submitted in partnership with the Warsaw Bar and with the renewed support of the CCBE was successful and will start with a new round of the Contest in February 2020. We are convinced that the concept offers a great European experience to young practitioners and will help to establish mutual trust and to foster cross-border cooperation in Europe.
WHAT ARE YOUR EXPECTATIONS FOR THE MAY ELECTIONS OF THE EUROPEAN PARLIAMENT AND THEIR IMPACT ON THE APPOINTMENT OF A NEW COMMISSION AND ITS POLICY?

As we are only a few days ahead of the May elections, we are hearing from all sides that Eurosceptic parties are again likely to score better than in previous elections and that the “informal coalition” of EPP and S&P is expected to lose its majority in the European Parliament. Whatever the outcome on 26 May will be, it seems rather unrealistic that the so-called populist forces could become strong enough to form themselves a majority and to have a say on the appointment of the new Commission. A strengthening of this block would however mark a clearer divide between an expected majority of EU-supporters and an opposition formed of EU-opponents, which would certainly make the work of the Commission more challenging but could as well be seen as a chance to ensure that political responsibilities are more clearly attributed at EU level and that, perhaps, the subsidiarity principle is given more effectivity.

The outcome of the elections will not alter the pressing challenges for EU policy – the completion of the Monetary Union as well as the creation of a real and solidary common asylum area; the urgent adoption of climate protection measures; the fair and constructive termination of the Brexit crisis, to name just a few. Depending on developments on the international stage and their possible repercussions on the Union and its Member States, it may even seem less difficult to build majorities in the Parliament than in the Council to achieve effective solutions to challenges which by their dimension and character can only be handled at EU level. For minor problems the nation state should still be prepared to assume its responsibility.

At ERA, we are confident about again establishing excellent working contacts with the new Parliament and its committees and we trust that we will continue our cooperation with numerous units of the Commission also under their forthcoming new leadership. Finally, I am delighted to see Katarina Barley being elected to the European Parliament as top of the SPD list in Germany. It is encouraging for Europe that she was prepared to give up her position as German Minister of Justice in order to become an MEP; and it is encouraging for ERA to greet her as future MEP given that she started her professional career for Europe as a freelance lawyer at our Academy...

LASTLY, WHAT IS YOUR PERSONAL WISH FOR ERA TO ACHIEVE IN 2019?

My personal wish for ERA in 2019 is that it will progress in preparing its new development strategy for the period 2021-2027, on which we are currently working and which we will present to the ERA Governing Board in November. This will include a limited reform of the ERA Statutes and some other important decisions for the time after 2020. Otherwise I am confident that ERA will continue the good performance demonstrated so far and further improve its competitiveness and reactivity.

2019 is also a year in which EJTN will elect a new Secretary General and renew its bodies. Following its active participation in the development of EJTN’s future strategic plan, ERA will contribute to the latter’s implementation by presenting its candidature for EJTN bodies and by offering its enhanced cooperation on projects of mutual interest.☆
THE FUTURE OF THE LEGAL PROFESSIONS

At the meeting of ERA’s Board of Trustees in June 2018, four leading representatives analysed the future training needs of the legal professions. These are extracts from their presentations.

CHALLENGES ARE AHEAD FOR THE LEGAL PROFESSION - HOW THE FUTURE FOR LAWYERS IS UNRECOGNISABLE

PHILIP BUISSERET, SECRETARY-GENERAL, COUNCIL OF BARS AND LAW SOCIETIES, EUROPE

Even if no-one can predict the future as such, there are manifest trends in the environment of the legal services and the legal profession which will bring interesting challenges for lawyers. As always, challenges can also create opportunities and this is no different for lawyers. Lawyers can be prepared for the challenges and, even more, for taking up new opportunities. This is what we should do.

The challenging trends are well known: clients’ expectations are rapidly changing, there’s more and more legislation requiring compliance but a tendency to reduce professional regulation resulting in growing competition, both from regulated and from unregulated legal services providers. We also see an increase of out-of-court dispute settlement and conflict resolution with less intervention of lawyers. Finally we are witnessing a digital transformation of legal and justice processes, with of course the introduction of blockchain and smart contracts, legal tools and applications using algorithms, artificial intelligence, etc.

Similar trends and evolutions have also taken place in the past. The legal profession has endured them before and has shown resilience and the capacity to adapt and to overcome such challenges. Nevertheless, it is important not to underestimate the current events, because of the fact that everything is happening faster, which requires more anticipation and proactiveness.

The title of lawyer will always remain a quality label and a beacon of trust. Both the individual lawyers and the professional organisations have the duty to the client and to citizens and society in general to make sure that they can rely on their lawyer.

Continuous training of lawyers plays an important role in this approach, both training in scientific matters and in soft skills. The increase of new legislation requires lawyers to gain knowledge quickly about its practical implementation and a good understanding of the objectives pursued.

Furthermore, lawyers will have to obtain, improve and retain the skills, tools, equipment and other resources needed to continue to provide high quality services, also in a more competitive environment. The use of new, legal tech tools may increase the capacity of law firms to serve more clients, providing access to justice to a higher number of citizens. Others may develop differentiated services to follow-up their clients, requiring specific knowledge or soft skills, such as foreign languages, knowledge of non-legal areas, (multi)cultural aspects of negotiation and litigation, crisis communication etc. These new skills can either be hired or obtained by the lawyers themselves through new courses and training.

The use of automated decision-making tools and applications in areas of justice and in other situations where the legal status of citizens will be affected, is expected to grow in the near future. Also situations in which such decisions are challenged will increase. This evolution may require lawyers to better understand ‘algorithmic thinking’, in other words how such automated decisions are taken, which data is used and how it is processed. There’s a brave new world for entrepreneurial lawyers.

“Challenges can also create opportunities”
COMPANY LAWYER OF THE FUTURE JONATHAN MARSH, PRESIDENT, EUROPEAN COMPANY LAWYERS ASSOCIATION

In an unstable, globalized world facing growing economic and geopolitical complexity, the legal departments of multinational corporations are making every effort to identify and manage risks. In a highly charged environment filled with new challenges, the in-house counsel profession is experiencing profound changes. Within companies, counsels’ role is moving beyond approving contracts and managing disputes based on current law. Instead, they are involved from the beginning of the project. They act as business partners who contribute to corporate strategy.

Digital & Innovation are now “key issues” and transforming everyone’s daily life on both a professional and personal level. The ecosystem upon which business is conducted has been deeply changed and companies need to offer innovative products and services in an increasingly short-term basis “time to market”.

Lawyers must learn new skills and become increasingly hybrid. Digital technology provides a real boost for our profession. I view digital tools as valuable assets, including collaborative databases, blockchain technology, document sharing, cloud computing, communication tools and electronic signatures. Software and applications developed by legal tech produce automated contracts. Bots provide answers to the most frequently asked questions. Artificial intelligence and predictive algorithms are gradually getting better at supporting decision-making and determining the probability of achieving the desired result.

These technologies reduce costs by decreasing the amount of time devoted to repetitive tasks. “Augmented” lawyers can thus focus on putting their strategic and imaginative talents to work creating original solutions, enhancing their soft skills, learning more about the operations of the various businesses, developing their proficiency in communication and leadership, and gaining a broader view of the company – in short, “demonstrating agility and cognitive flexibility”.

In-house counsel have moved from the role of legal technician to that of multi-skilled adviser to management. Faced with the complexity of finding their way in a globalized world and the technological and social pressures buffeting companies, they have become guarantors of a secure business environment, trusting client relations, and the company’s integrity, reputation, competitiveness and ultimately its long-term viability.

Digitization is fundamentally changing the rules of the game. Digitization of companies is transforming the business model, customer relations, structure and so on - all issues that need to be addressed by counsel. Digitization will affect the legal function in two major ways. First, it creates new legal problems requiring new types of expertise, which results in the need to improve our soft skills and develop and hire people with new skills. Negotiating the acquisition of a major company versus a small partnership with a digital start-up, for example, requires very different approaches. Second, digitization has transformed our methods. We’re also developing an Internet tool that will provide lawyers with access to tried-and-true contract terms without having to reinvent the wheel. If successful, the tool will be rolled out more widely across our company.

Concerning artificial intelligence, I see it as an opportunity. Various tools can now generate contracts automatically or even identify conflicting contract terms in a contract. These tools, however, cannot yet replace lawyers’ critical judgment and ability to take advantage of collective intelligence. We need to remain flexible, alert and outward-looking while continuing to encourage diversity so that we can benefit from a variety of intellectual approaches. I believe in-house lawyers will continue to be the best possible partners for ensuring the long-term viability of our businesses.

“Digitization is fundamentally changing the rules of the game.”
Focus on the legal professions

ERA I Annual Report 2018

THE JUDICIARY OF THE FUTURE AND ITS CHALLENGES  WOJCIECH POSTULSKI, SECRETARY-GENERAL, EUROPEAN JUDICIAL TRAINING NETWORK

The future is now. When discussing how to prepare the judiciary for imminent challenges, we must be aware that acting today with the aim to improve tomorrow, we cannot use the tools of yesterday. This is imperative in the sphere of the judiciary and judicial training, given that the judiciary is deep-rooted in the past, founded on long-established principles and often resistant to change. The judiciary is seen as the embodiment of legal tradition. Changing the judiciary cannot be revolutionary but must be an evolution handled by the judiciary itself.

Any debate on the future of judiciary should start with a clear definition of the objective. What do we expect from the judiciary, how do we see its role and tasks in the societies of the future?

As Andrzej Rzepliński, then President of the Polish Constitutional Tribunal, said in a speech at the Solemn Opening of the Judicial Year of the European Court of Human Rights on 29 January 2016: “To be a judge means to be an individual who is at the very least fair, independent, courageous, sensitive, humble and kind, and who is constantly learning, and, for that matter, not only from the books of law”. Such understanding of the role of the judges is also expressed in the Bangalore Principles of Judicial Conduct listing independence, impartiality, integrity, propriety, equality, competence and diligence as key features of the judiciary. These values remain key for the judiciary to be respected and to deserve respect in our changing societies.

This highlights the importance of judicial training. Its significance was clearly acknowledged by the Consultative Council of European Judges, according to whom “training should be seen as essential in view of the need to improve not only the skills of those in the judicial public service but also the very functioning of that service”.

What should be the judicial training of the future?

EJTN’s Judicial Training Principles define judicial training as a multidisciplinary and practical type of training, intended essentially for the transmission of professional techniques and values complementary to legal education.

We need an innovative approach to training to achieve these well-established and not revolutionary goals.

Law will remain an important component of judicial training, at EU-level, bringing a genuine EU added value and equipping the judiciary with sufficient knowledge of EU law and European cooperation instruments to make full use of the EU’s primary and secondary law. This is will serve the aim to build a true European area of justice, where the different legal systems are respected and mutual trust in one another’s justice systems is enhanced.

We must also invest in cultivating the unbiased minds of judges, developing their skills, assisting them to be able to keep abreast of the social context.

Training should be practical, experiential, in-person and taking full benefit from on-the-job learning by coaching and mentoring, applying e-tools where possible and preparing for the AI revolution.

We need synergies and networking of training providers as well as the full dedication of state authorities, judicial leaders, judges themselves, not avoiding the interprofessional context.

To conclude, the judiciary needs reinforcement of its capacity to accommodate the challenges of the future based on well-established principles and values.
The Council of Notariats of the European Union (CNUE) is a political body representing its 22 member notariats in dealings with the European institutions. It acts as the official voice of the notarial profession. The role of notaries is to confer authenticity—which means full legal certainty—on the instruments they establish for their clients at the most important stages of their lives. In this way, they provide an ex ante legality check, preventive justice, circumventing information asymmetries and ensuring the effectiveness of rights.

The notarial profession is evolving in line with the new digital age. It has had to adapt, for example, to new ways in which authentic instruments are set out, to the transition of public registers to a digital format and to the secure digital transmission of documents and electronic signatures. Preparations for the future of the notarial profession in a European context are being made in the areas of training and e-Justice—in which CNUE plays a major role. In 2015, over 35% of European notaries participated in an EU-funded training programme—the highest proportion of any legal profession.

The successful implementation of the European Notarial Network (ENN, a secure online platform) and the European Network of Registers of Wills (ENRW) are the most recent developments. The European Notarial Network Platform provides the notaries of Europe with free and multilingual information and tools supporting notarial practice across borders, and to date it has 1000 users. The ENRW has 16 interconnected registers with approximately 2000 searches annually. In almost 12% of cases the ENRW has revealed the existence of a will in another Member State. The remaining 88% of cases provide heirs with the guarantee that no will has been registered abroad.

CNUE does not, however, limit itself only to following EU work; it also makes proposals. It implements projects with a European dimension involving all its members, with the aim of constructing the area of justice, freedom and security expected by European citizens. These positive initiatives, which often rely on new technologies, make life easier for citizens, whose mobility can be hindered by cross-border legal complications. Furthermore, CNUE keeps its members updated on developments in European legislation and any initiatives taken by the EU institutions. It also assists in the continuous training of notaries in EU law.

Notaries are responding to the challenges of the digital revolution with confidence and creativity. The badges of several national notariats bear the motto “lex est quod notamus”—but perhaps the motto of the future should be “code est quod notamus”?☆

THE NOTARIES OF EUROPE ARE FIRMLY COMMITTED TO THE CONSTRUCTION OF A LEGAL EUROPE
RAUL RADOI, SECRETARY-GENERAL, COUNCIL OF THE NOTARIATS OF THE EUROPEAN UNION

Notaries are responding to the challenges of the digital revolution with confidence and creativity.
ERA IN NUMBERS

PROFESSION OF FACE-TO-FACE PARTICIPANTS

Open events

EU funded events

Other contract events

- Judge
- Prosecutor
- Court staff
- Lawyer in private practice
- In-house counsel/Lawyer in business
- Notary
- EU official
- National civil servant
- Regulatory authority
- Police/Law enforcement
- Other civil servant
- Academic
- Association/Foundation/Charity/NGO
- Other
ERA in numbers

NUMBERS OF PARTICIPANTS/EVENTS

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ERA ONLINE IN 2018

- **16,000** views on our YouTube channel
- **7,500** followers on LinkedIn
- **287** judges participating in our e-learning course on EU State Aid Law
- **89** new e-presentations produced

OPERATING INCOME AND EXPENDITURE

**Income**

- **Total €7,919,836**
  - Participation fees and sales: 18.7%
  - EU-funded projects: 29.0%
  - Other projects: 4.2%
  - EU operating subsidy: 34.1%
  - Rhineland-Palatinate subsidy: 9.3%
  - ECC rental: 3.8%
  - Other income: 0.7%

**Expenditure**

- **Total €7,918,700**
  - Personnel: 50.6%
  - Direct costs of training events: 35.6%
  - Administration: 8.0%
  - Equipment: 1.2%
  - ECC running costs: 3.3%
  - Other costs: 0.5%
ERA in numbers

- DK: 1.4%
- DE: 6.6%
- BE: 6.3%
- NL: 4.0%
- IE: 2.3%
- UK: 3.1%
- LU: 3.8%
- FR: 1.9%
- AT: 2.0%
- SI: 0.8%
- PT: 2.5%
- ES: 3.1%
- IT: 3.0%
COUNTRY OF RESIDENCE OF PARTICIPANTS

EU Officials: 8.3%
EFTA Countries: 3.4%
Candidate & Potential Candidate Countries: 0.7%
Other (25) Countries: 1.2%
CONFERENCES
AND LEGAL
POLICY DEBATE

A COMPREHENSIVE PROGRAMME OF
ANNUAL CONFERENCES

The challenge for ERA over the years has been to maintain diversity and breadth in its conference programme despite the ever-increasing number of areas in which EU law applies and despite the growing ‘Europeanisation’ of domestic law. Updating, deepening and enlarging the programme to match the growing training needs and expectations of legal practitioners have been a key element of our strategy.

Evidence of these programme developments can be seen in the range of annual conferences, where the main aim is to cover the most recent developments in a specific area of EU law. This successful formula covered in 2018, inter alia, border management, company law and corporate governance, countering terrorism, environmental law, food law, immigration law, insurance law, media law, patent law, public procurement, and State aid law.

These highly technical events, aimed at specialists who wish to keep up-to-date in a specific field, can gather each year a high number of legal practitioners from all over Europe. This was the case in 2018 with the annual conferences on asylum law, consumer law, copyright law, data protection law, trade law, financial supervision, pharmaceutical law, and VAT law which gathered more than 50 delegates and experts each. The four most attended events of the series in 2018 were the annual conference on family law with 76 delegates from 20 countries, the annual conference on labour law with 87 participants from 21 EU member states, the annual conference on criminal justice – taking place for the first time in Madrid in cooperation with the Centre for Judicial Studies of the Spanish Ministry of Justice – with 84 practitioners from 23 countries, and the annual conference on anti-money laundering legislation with 91 legal practitioners from 20 countries. For all of these events, ERA regularly welcomes judges from the Court of Justice of the EU or the European Court of Human Rights, as well as high-ranking EU officials, as speakers.
EVENTS ON VERY SPECIFIC TOPICS

Complementary to its annual conferences, ERA offers ad-hoc events on very specific topics. For example, 2018 saw ERA addressing cross-border successions planning. After nearly three years of experience with the Succession Regulation, some 70 (mainly) lawyers in private practice and notaries from 18 countries attended a conference aiming at discussing key practical issues on the basis of real cases, including the most recent CJEU decisions and preliminary reference procedures. The conference also addressed national inheritance laws in comparative perspective and possible measures to avoid double taxation in cross-border situations. Last but not least, it dealt with digital legacy and the growing need to manage it, in particular the inheritance of an account (e-mail, PayPal, social media such as Facebook and LinkedIn), rights of the heirs against the provider, and aspects of data protection.

Another conference in Trier aimed to explore the notion of hate speech in social media and how to combat it effectively whilst respecting freedom of expression, privacy and the freedom to conduct a business. It analysed the case law of both the ECtHR on freedom of expression and the CJEU on jurisdictional issues and the e-commerce directive as applicable to cases of illegal online content, including hate speech. The conference offered an in-depth discussion of legal issues related to online content removal: review by online social platforms, complaint mechanisms, private law enforcement, trusted flaggers, preventing re-appearance of illegal content, blocking more content than necessary. This event benefitted from speakers representing EU institutions and online companies like Facebook and Google, allowing participants to gather useful information about their concrete policies and practices when removing illegal content.

In 2018, to complement its yearly training event in Trier on recent developments in jurisprudence regarding the EU Staff Regulations, ERA organised a specialised conference in Brussels on how to handle harassment complaints in the EU institutions. This event, which was attended by some 70 civil servants working for human resources departments in the EU Institutions and agencies, as well as trade union representatives, aimed to provide participants with sound legal knowledge regarding harassment cases based on the EU Staff Regulations and case law of the Court of Justice of the EU. Advantages and disadvantages of everyday practice in selected EU institutions were discussed in detail.

In the field of criminal justice, a conference organised in Rome presented the obstacles that encryption poses to effective cybercrime investigations. Another one analysed the current European framework for the freezing, confiscation and recovery of assets, focusing on the changes being implemented since the adoption of Directive 2014/42/EU.

Further such events in 2018 dealt with the Environmental Liability Directive in practice, the protection of taxpayers’ rights in the case law of the European courts, or intellectual property litigation and the fight against counterfeiting in the EU.
Several conferences were implemented in cooperation with renowned partners, such as a timely event on judicial independence in autumn 2018, organised in cooperation with and at the French Court of Cassation in Paris and which was opened by First President Bertrand Louvel. The event attended by over 80 legal practitioners analysed the impact of systemic infringements on the rule of law and judicial independence on judicial cooperation between EU Member States and took a closer look at the situation in some Member States. The role of judicial councils and other institutions of control as well as that of the Bar in securing judicial independence was also addressed. In June 2018, another prestigious conference, organised in cooperation with the University of Cambridge, dealt with surrogacy – against the background of its rapid expansion, both in frequency and in geographical scope. The conference aimed at discussing the legal regime of surrogacy in the EU Member States and how such systems operate in the context of employment law. The questions of parenthood and conflict of laws through the lens of domestic law in European jurisdictions, as well as the ECtHR case law were also addressed. In October, over 130 legal practitioners attended an event on Data protection in the Judiciary organised by ERA in cooperation with the Supreme Court of Justice of the Republic of Austria in the framework of the Austrian Presidency of the Council of the EU. This conference analysed the new EU data protection scheme and its application in the judiciary; it also provided a platform for comparison of national rules and best practice in the Member States. Last but not least, ERA contributed to two conferences implemented by the European Law Institute (ELI), one in cooperation with UNIDROIT entitled “From Transnational Principles to European Rules of Civil Procedure” and another one with ENCJ on dispute resolution.

In the same context one should mention two examples of ERA conferences organised in cooperation with EU institutions and agencies, like this major event in cooperation with and at the premises of the European Banking Authority (EBA) in London on FinTech and the challenges it poses for regulators and practitioners. The FinTech’s implications for systemic stability, the potential risks and opportunities to credit and payment institutions generated by FinTech, the new legislative developments in the EU link to FinTech, and the risks and benefits of virtual currencies were some of the topics addressed in London. The other example is a cooperation with Europol’s Data Protection Experts Network (EDEN) and the Data Protection Unit at Europol for a conference in The Hague entitled “Freedom AND Security – Killing the zero sum process,” which aimed at taking a closer look at topics linking the work of law enforcement and security authorities, and the impact this has on fundamental rights. This event was opened by Europol’s Executive Director Catherine De Bolle and attended by some 200 (mainly) law enforcement officials, data protection officers, members of EDEN, and representatives of private industry.
In line with its Statute, ERA does not confine itself to the dissemination of European law via training, but also serves as a European platform for the discussion of legal policy. In so doing, ERA attaches great importance to remaining neutral and independent, for example by not becoming directly involved in the drafting of specific legal policies. ERA’s neutrality and independence have given it a role in a number of topical and fundamental debates at European level. The aim of such events is to stimulate reflection on future political developments in a field of law or, where future legislation is already at an advanced stage, to put forward practical considerations from legal practitioners and stakeholders for the evaluation of proposed legislation. In this category, one should mention big data and the digital economy. The ever-growing accumulation and use of digital data raises legal challenges for private and public entities with regards data ownership, access and cross-border use and the protection of these data. A conference held in Brussels looked at the EU legal framework and its loopholes, and offered a platform for discussion on how to adapt the framework to the European data economy.

With the Article 50 TEU notification of the UK’s intention to withdraw from membership of the EU the process of Brexit began at EU level already on 29 March 2017. ERA closely followed-up the state of play of the negotiations and continued organising one-day events in Brussels on the main legal Brexit-related topics. The first one discussed the state of play of the negotiations on the post-Brexit MFF and a possible mechanism for UK contributions to the EU budget. Another one debated the external dimension of UK’s withdrawal from the EU, UK-EU trade relations and transitional arrangements. A third one tackled the UK’s withdrawal from the European criminal justice area and its consequences for judicial cooperation in criminal matters. At the last conference, held in December, the Withdrawal Agreement was presented and various topics such as the question of the Irish border, the free movement of persons and the role of the Court of Justice of the EU were discussed in depth. With this offer ERA reached some 190 participants who wanted to update themselves on the current state of play of negotiations and the future relationship of the EU and the UK.

“The Big Data conference in Brussels reviewed the EU legal framework and its loopholes.”

Four conferences in 2018 focused on the topic of Brexit
Practical training courses and workshops

In terms of practical training ERA has considerably intensified its programme over recent years in order to meet better the needs of practitioners. This concerns in the first instance its series of intensive five-day summer courses aimed at young professionals and non-specialists. Major efforts are made to ensure these courses are always top-quality: all of them include case studies, practical workshops and role-playing to allow participants to put into instant practice the knowledge they acquire. All courses provide the opportunity to attend a hearing at the Court of Justice in Luxembourg.

2018 saw ERA refreshing its range of summer courses to a large extent. Besides its traditional courses covering, inter alia, criminal justice, environmental law, intellectual property law, labour law, public procurement law, social security law, tax law, WTO/EU trade law, and the regulation and supervision of financial markets, ERA offered three new comprehensive introductory courses on insolvency law, cross-border debt recovery, and the rule of law. One of ERA’s oldest courses on competition law was completely reshuffled to focus exclusively on anti-trust law, a major change which convinced over 50 legal practitioners to attend it.

In terms of attendance the summer course on data protection law was once again the most successful and gathered 74 participants from 24 countries. All in all, 481 practitioners participated in these courses in 2018, an increase of nearly 10% compared to the year before.
LARGE-SCALE TRAINING PROJECTS

The development of long-running large-scale training projects has become a very efficient means for ERA to achieve its mission of better promotion and dissemination of EU law among legal practitioners across Europe. These ambitious projects, which aim at broad geographical and professional coverage, usually share common features: (i) they are implemented not only in Trier but also in various Member States; (ii) they are built on a large pan-European partnership generally composed of members of the European Judicial Training Network (EJTN) and of national bars, which facilitates their implementation and ensures that awareness will be raised throughout the EU; (iii) they are multilingual; (iv) they encompass more than face-to-face training, as they are complemented by subsites offering training materials, a comprehensive library, audio and video podcasts, sometimes e-learning modules; and (v) finally, they are funded partly or entirely by the European Union.

A prominent example of such projects in ERA’s programme is about the “training of legal and policy practitioners on the UN Convention on the Rights of Persons with Disabilities (UNCRPD)”. This Convention, as the first human rights treaty the EU has ratified, is an important tool in the promotion of the rights of persons with disabilities. It seeks to elaborate and clarify existing obligations setting out legal standards on disability rights, it changes and affirms the status of persons with disabilities in human rights law and it strengthens the EU legislation on disability issues. Six training seminars were organised by ERA on behalf of the European Commission and in cooperation with the European Disability Forum (EDF) and the European Foundation Centre (EFC) in 2018 and were attended by 210 participants. The objective of these seminars was to facilitate greater knowledge and a better understanding of the UNCRPD, its Optional Protocol and related European legislation as indicated in the EU declaration of competences and the EU report to the UN among legal and policy practitioners in the EU. One of the seminars in 2018 was offered with simultaneous interpretation in International Sign Language and Captioning and was live-streamed, allowing for the remote participation of more than 800 practitioners. A recorded version of this live stream, combining the presentations with the Power Point presentations, as well as interpretation and captioning, was made freely available on ERA’s UNCRPD subsite.

In the same vein, 2018 saw ERA continuing its two long-running training programmes on “EU Anti-discrimination Law” and “EU Gender Equality Law”. These projects, with twelve seminars per year bringing together some 600 judges, legal practitioners and academics from all EU Member States, have been implemented on behalf of and in cooperation with the European Commission under the “Rights, Equality and Citizenship Programme 2014-2020”. Most seminars aimed at judges were held outside Trier in 2018: the three training events on EU anti-discrimination law were implemented in Vienna, Budapest and Thessaloniki in cooperation with the Austrian Federal Ministry of Justice, the Hungarian National Office for the Judiciary and the Greek National School of the Judiciary respectively, while two seminars on EU gender equality law were implemented in Prague with the Czech Judicial Academy and in Paris with the French National School for the Judiciary. In order to make the information provided at the seminars available to an even wider audience, an extensive online documentation (including presentations, an e-learning course, e-presentations, etc.) of the two series can be accessed for free on special ERA subsites. This documentation was extended and updated extensively in 2018. Since the beginning of ERA’s cooperation with the European Commission in the framework of the two series, the first of which has run since 2003, ERA has contributed to the training of some 7,000 legal professionals – more than half of whom were members of the judiciary – in the field of EU equality law.
In 2018 ERA was awarded a new service contract by the European Commission's DG COMP which aims at providing training in EU competition law to 450 national judges from at least 12 different Member States over a period of two years. The seminars to be held within the framework of the project will provide national judges with an overview of the application of Articles 101 and 102 TFEU and the relevant secondary legislation, as well as the national legislation transposing the Damages Directive, and will equip them with the necessary tools to deal with State aid cases. The first three seminars of the project were implemented in 2018 in Bucharest, Riga and Sofia for domestic audience. This major project – which is supported by the judicial training institutes from twelve Member States, the Association of European Competition Law Judges and EJTN – has to be seen in the context of ERA’s long-standing commitment to the training of the judiciary on competition law since the entry into force of the Regulation 1/2003, which culminated in 2016 with a major study ERA drafted in cooperation with EJTN and Ecorys on national judges’ training needs in the field of EU competition law and rules on State aid.

A similar large-scale approach has been chosen for other specific legal topics with long-running multilingual series of events throughout Europe over the last years, for example on mediation, e-evidence, the European investigation order, trafficking in human beings, and the fight against terrorism and prevention of radicalisation in prisons. Another example is the numerous EU training projects ERA has implemented on the impact of new technologies on criminal proceedings. Today, in almost all legal proceedings, information gathered from the internet play a significant role and are due to become even more important in legal practitioners’ operational work. For them the web has become a vital tool as browsers, search engines and social media monitoring tools can assist in the retrieval of the needed information. In light of these developments ERA has implemented a project entitled: “Investigating Web 2.0: practice-oriented training on internet searches for EU legal practitioners”, consisting of 6 seminars across Europe. Its main objective has been to provide participants with the basic understanding of the internet architecture and concepts (Internet Protocol, anonymity online, encryption, internet cache, etc.) and to familiarise them with the challenges and difficulties linked to the online investigations. The first three seminars were implemented in 2018 in Lisbon, Dublin and Bucharest. For the implementation of this Project, ERA cooperated with the Romanian National Institute of Magistracy, the Centre for Judicial Studies in Spain, the Judicial Studies Committee of Malta, the Barcelona Bar Association, the Bar of Ireland, Ireland, EJTN and the European Criminal Bar Association (ECBA). The project is aimed at 240 legal practitioners, mainly lawyers, judges, prosecutors and other judicial staff from across the EU.

“ERA won a contract from the European Commission for the training of national judges on competition law.”
ERA I Annual Report 2018

Practical training courses and workshops
Training on “classic” EU and Single Market law topics has remained very strong in the ERA programme. For example, ERA continued in 2018 with the format of advanced half-day EU competition law workshops in Brussels, which had been launched five years before. These workshops aim to provide in-depth analysis of key concepts of European antitrust law and focus on the latest trends in CJEU case law, legislative developments and European Commission practice. Two such workshops were organised in 2018 on “Abuse of Dominance: Recent Developments and their Practical Implications” and “Dawn Raids: Practical Issues and Latest Developments”. Both workshops were also live-streamed.

In addition to these seminars, which targeted specialised lawyers in private practice, in-house counsel and national competition authority representatives, ERA continued its longstanding work for the judiciary in this area and has completed an important training project in 2018 focusing on underlying economic principles of competition law. This ambitious project was supported by the judicial training bodies from 18 Member States and designed in close cooperation with senior judges, consultants in competition economics, and leading academics, in particular from the Toulouse School of Economics. It consisted of a series of seminars aiming at equipping judges who deal with competition law cases with the tools to understand economic principles and notions, conduct complex economic assessments and handle economic evidence and experts. The last two events of this project took place in 2018 in Bucharest and Trier. In the field of State aid law, ERA also offered practical training in Brussels on procedural issues for practitioners involved in State aid cases as well as its Annual Conference in Trier.
TAILOR-MADE TRAINING FOR LAWYERS IN PRIVATE PRACTICE

Lawyers in private practice belong to ERA’s principal target groups for training and professional exchange. Large parts of ERA’s open programme are of relevance for them – if not exclusively. Events of particular importance for private practitioners in 2018 included the “Annual Conference on European Family Law”, the “Annual Conference on VAT Law”, the “Annual Conference on Company Law and Corporate Governance”. ERA’s series of one-day events in Strasbourg aiming to provide an update on the most recent case law of the ECtHR in various fields also belongs to the type of events of great interest for private practitioners. Four such training events were implemented in Strasbourg in 2018 and covered the European Court’s case law on detention, on bioethics, on freedom of religion justice, and on asylum matters. Altogether they gathered over 140 participants from all over Europe. Finally, lawyers in private practice regularly take part in the numerous “Legal English” courses ERA offers in Brussels and Trier each year.

A major novelty in the 2018 work programme was the “Young Lawyers Contest” that ERA and the CCBE jointly organised in September 2018. This trial run was largely inspired by the “Themis Competition” which EJTN has organised for young judges and prosecutors for many years. As a similar concept for young members of the European Bars did not exist so far, although the need to develop cross-border working skills and a European law reflex is by no means less important for young lawyers than it is for young judges and prosecutors, ERA and the CCBE decided to address this need. This first contest aimed to bring together young and newly-qualified lawyers to highlight the importance of European law for their future legal practice. In teams composed of contestants from different European countries, the participants were challenged to apply their knowledge of European law in practical role-play scenarios. Under the watchful eye of a jury of leading European law practitioners, they learned to work with peers from other legal cultures to build strong cases in areas as diverse as company law, mergers and acquisitions, intellectual property law, legal standing, access to documents, and protection of personal data. The contestants were judged both on their knowledge of European law and on their advocacy skills in drafting written arguments, conducting negotiations and pleading before a judge. Feedback received from contestants after the trial run was extremely positive. The work in mixed teams enabled them to exchange ideas on EU law, to foster relationships among them, and to share knowledge on their national laws. Based on this first positive experience and the appetite for a more developed version of this Contest, ERA and the CCBE have secured EU funding to ensure the continuation of this genuinely European project.

Besides its cooperation with bars, ERA works frequently with associations or networks of individual lawyers or law firms. In 2018 it organised its sixth annual joint seminar in Brussels with the European Employment Lawyers Association (EELA). A long cooperation also exists with the Norwegian Center for Continuing Legal Education (Juristenes Utdanningscenter, JUS), founded by the Norwegian Bar Association and the Norwegian Association of Lawyers, with whom ERA organised two training events in 2018 in Brussels devoted to EEA/EU labour law and EEA/EU tax law and were addressed to over 90 Norwegian lawyers.

It is often crucial for lawyers in private practice that their participation in one of ERA’s training events meets the compulsory professional development (CPD) requirements that have been introduced by many national bars and law societies. ERA makes every effort to ensure that participation by lawyers from all over Europe in its events is recognised under the various national schemes. Despite the diversity of regulations, attending a two-day ERA event meets the annual CPD requirements in most jurisdictions.

In 2018, ERA partnered with the CCBE to introduce the “Young Lawyers Contest” aimed at newly qualified lawyers.

“140 practitioners attended our events in Strasbourg covering the case law of the European Court of Human Rights.”
Training requests from private and public actors at national level represent an important part of ERA’s activities. ERA is particularly valued for its training expertise, its network of experts, and its ability to deal with complex and very specific training requests. In that context, ERA signed a major four-year cooperation agreement with the Latvian Court Administration in January 2018, which provides for the organisation of 47 face-to-face seminars (and the development of e-learning courses) covering a broad range of EU law topics, such as company law, competition, insolvency, public procurement, State aid, IP law, financial and crime investigation, e-evidence, fundamental rights, civil & criminal justice cooperation, and data protection. Some 2,350 Latvian judges, assistants, lawyers, prosecutors, investigators, insolvency administrators, and policy makers will benefit directly from this project. In the course of 2018, thirteen seminars were implemented in English and Latvian and reached over 600 Latvian practitioners.

ERA also regularly implements training activities on behalf of EU institutions for their staff. For example, the European Parliament’s DG Personnel awarded ERA a service contract in 2018 aimed at providing legal and financial policy training for their staff interpreters. This contract led to the organisation of two week-long “Summer Universities” in Trier, respectively on the topics of EU law and EU finances. In autumn 2018, ERA was awarded another service contract by the European Parliament for the development of e-courses on “Privacy and Data Protection”, “Criminal Justice”, “Financial Regulation”, and “Capital Markets Regulation”; these four e-courses were finalised early 2019. In the same vein, ERA organised some six training programmes – in Luxembourg and Brussels – for and at the special request of the European Commission’s DG Translation on various topics, such as the EU legal framework for financial supervision, intellectual property law, and environmental law.
DEVELOPMENT OF TRAINING MATERIALS

In addition to implementing training programmes itself, ERA has in the last years devoted more and more resources to the development of standardised training materials and other resources that can be re-used by national training actors.

TRAINING MODULES ON BEHALF OF THE EUROPEAN COMMISSION’S DG ENVIRONMENT

In 2017 ERA was awarded another four-year service contract to continue a major project on behalf of the European Commission’s DG Environment entitled “Cooperation with National Judges in the Field of EU Environmental Law”, which aims to develop training modules on various topics of EU environmental law as well as to organise workshops for judges.

This project, which ERA has been in charge of since December 2013, has led to the development of comprehensive standardised training materials which promote interrogative and participative learning methods and are easily reusable. The entire training packages are accessible online (www.era.int/judges&environmental_law) by any party or institution interested in organising future training in these areas of law. The materials are addressed to both end users and training providers. The “user’s pack” includes the traditional documentation with the related legislation and jurisprudence of the CJEU to be distributed to end users in advance of the training in the form of an introductory e-learning course. Blended learning as a methodological tool ensures initial familiarisation with the scope and objectives of the training and a level playing field for all participants, whilst at the same time constituting a resource for future reference as it remains freely available after the completion of the training event.

Although a significant part of the training relies on the provision of information on different legal instruments through face-to-face presentations, the “user’s pack” is complemented by workshop exercises (case studies, IT-supported training sessions, role-play) requiring the active contribution of the participants. In addition to the materials included in the “users’ pack”, training providers have access to the “trainer’s manual”, which explains how best to navigate through the materials available and how these may be integrated into future workshops by providing information on their structure, content and methodology. Further to this, information on the organisational aspects of a training event, such as guidelines on how to identify possible trainers, select the participants or evaluate the training event, have been included.

Development of training materials

were tested and subsequently implemented in the framework of a series of 2.5-day workshops held in Sofia in cooperation with the Bulgarian National Institute for Justice, in Warsaw in cooperation with the Polish Supreme Administrative Court, in Thessaloniki in cooperation with the Hellenic School of Judges and twice in Trier. It should be stressed that the workshop in Thessaloniki was designed exclusively for Greek judges and in Greek, whereas the relevant training material covered both the European and the domestic aspects of the topic. In the years to come, it seems that ERA will be asked to develop more and more training materials incorporating both EU and domestic law aspects of the topics at stake in the native language of the hosting judicial training institutions. This approach aspires to increase the uptake of the training materials as well as to offer tailor-made modules better matching the needs of national judges in European Environmental Law. Last but not least, ERA and EJTN organised in 2018 a joint training event on EU environmental law which made use of various training materials developed under the DG ENV programme.

This type of project developing tailor-made training materials has been very well received and seems to meet the expectations and needs of national judicial training actors. Evidence of this can be seen in the fact that for the new service contract ERA was able to secure the support of judicial training institutes, supreme administrative courts, and judges’ associations from nineteen jurisdictions (Austria, Bulgaria, Croatia, the Czech Republic, France Germany, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, United Kingdom) as well as the support of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union a.i.s.b.l. (ACA-Europe), the European Network of Prosecutors for the Environment (ENPE) and the Association of European Administrative Judges (AEAJ).
CASE STUDIES ON EU CIVIL JUSTICE INSTRUMENTS FOR COURT STAFF

Since 2015 ERA has completed two successive large-scale projects – following an innovative methodological approach – which aimed at developing training materials to aid legal practitioners to apply actively the EU acquis in the area of civil justice. The training materials consisted of comprehensive case studies on various legal instruments of judicial cooperation in civil matters. Each case study, including the case scenario, the suggested solution and some methodological advice for using the case, was developed by renowned EU experts. The first project concluded in 2016 covered instruments of European civil procedure, whilst the second dealt with EU Regulations on Family and Succession Law and was concluded early 2018. The case studies developed in the framework of both projects are available in various EU languages and remain freely accessible on the respective projects’ subsites: www.era-comm.eu/Using_EU_Civil_Justice_Instruments and www.era-comm.eu/Better_Applying_the_EU_Regulations.

Using the same methodology ERA and EJTN were awarded an EU grant in 2018 for a joint project aiming at tackling gaps in training on EU law for court staff. Concretely, this project focuses on the European cross-border civil procedures and covers the following instruments with practical relevance for court staff’s work: the Brussels I Regulation (recast), the European Enforcement Order, the European Payment Order, the European Small Claims Procedure, the Regulations on Service of documents and Taking of evidence. For all instruments, practical case studies will be developed by renowned Union law experts in the course of 2019. Implementing and solving the case studies will form the basis for the twenty 1.5-day legal seminars planned in the framework of the project till mid-2021 to be organised in 16 different Member States. In order to allow for the provision of language training, a covering the same instruments will also be drafted by a linguistic expert. A series of thirteen three-day language seminars will offer both English language training and training on the abovementioned EU cross-border civil procedures and will employ all developed materials.

This project is being supported by 23 national bodies responsible for court staff training in nineteen EU Member States (Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovenia and Spain). All these supporting organisations will translate (parts of) the training materials into their national languages – which represents a total of 16 EU official languages – for the implementation of the domestic legal seminars.

930 court staff from all over Europe will be the direct beneficiaries of innovative and practical training and will enhance their knowledge and competences in the use of EU civil law instruments. 330 court staff will also improve their basic language skills to better use the judicial cooperation instruments in English. Since the training packages in all language versions and the manual on legal terminology in English will be freely available for future use on the project’s subsite: court-staff.legaltraining.eu, it is very likely the number of indirect beneficiaries will go beyond the partnership.
MANUALS ON LEGAL TERMINOLOGY FOR PRACTITIONERS

The manual on legal terminology—which is one of the features of the aforementioned project for court staff—was already tested for a project completed in 2017 entitled “Enhancing Judicial Cooperation in Civil Matters: Organisation of a Series of Interactive Language Training Events”. This project was developed in close cooperation with eleven partner institutions from eight EU Member States and with the financial support of the Justice Programme of the EU. Two language training manuals, respectively on cross-border civil litigation and on European family law, were specifically designed by a linguistic expert and included interactive exercises focusing on the relevant legal terminology. These manuals formed the basis for the provision of linguistic training at the nine training events aiming at enhancing the legal, professional and English-language knowledge and skills of the participating judges. The linguistic exercises conducted during the events engaged participants in role-plays, presentations and other interactive teaching methods thus ensuring the active participation of all attendees. The linguistic manuals were made freely available on the project subsite (www.era.int/Judicial_Cooperation_Civil_Matters_Language_Training) for anyone interested in offering future specialised linguistic training. The subsite also contains an interactive e-learning tool which can be used by anyone interested in strengthening their English legal skills and will offer the user the opportunity to learn specialised legal English in the field of EU civil justice.

Based on the success of this project, ERA decided to follow up with another project focusing on language training in combination with legal training on cross-border mediation. In close cooperation with 7 partner institutions, this project was mainly implemented in 2018 and will be completed in the first half of 2019. The main objective was to improve the legal and professional English-language skills of judges, lawyers and mediators in order to facilitate mediation procedures. Each of the seven planned 3-day seminars dealt with one of the following topics:

civil and commercial mediation or family mediation. One linguistic manual was specially developed for each topic, focusing on reading and listening comprehension, relevant vocabulary, writing skills, etc. It is worth mentioning that the manuals were designed having in mind the possibility of using them as a stand-alone tool by any user who wishes to improve their level of English in this particular field. In addition to the manuals, a set of comprehensive case studies was developed for each topic by renowned EU law experts which are being used in interactive workshops, thus allowing participants to learn about the procedures of cross-border mediation through practical exercises. 110 judges and 100 lawyers and mediators from different Member States will benefit from specialised English language training in the field of mediation. Upon implementation of the seminar series, the two manuals as well as the case studies will be freely accessible and downloadable on the project’s subsite: era-comm.eu/Language_Mediation/.

MANUALS ON LEGAL TERMINOLOGY FOR PRACTITIONERS
Language training is combined with legal training on cross-border mediation for judges, lawyers and mediators.
ERA Forum is published in cooperation with Springer Science+Business Media (Berlin/Heidelberg). The journal can be accessed in several ways: through individual article downloads, in the form of an annual subscription, or mainly as part of an online package available to institutional subscribers around the world.

Articles from the journal were downloaded a total of 51,737 times in 2018, one third more than in the previous year.

Papers published in the journal are based on the most outstanding presentations delivered at ERA’s conferences. From “Sharia-compliant FinTech in the banking industry” through “State aid for professional football clubs and sports infrastructure” to “European Union values, rule of law and the Multiannual Financial Framework 2021-2027”, the articles published in 2018 reflected the breadth and depth of European law.

The topics addressed covered company law, consumer law, copyright law, criminal law, data protection, e-evidence, financial services regulation, insurance law, labour law, public procurement, tax law, terrorism, trade mark law and travel law.

The authors included judges from the Court of Justice of the European Union and from national constitutional courts, senior lawyers in private practice and top academics from across Europe.

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ERAs distance-learning programme consists of training materials, e-learning courses and audio-visual resources developed either for the general legal public or in the framework of EU-funded projects. An overview is available at www.era.int/elearning.

E-LEARNING

ERAs output of new e-learning courses in 2018 came mainly in the framework of EU-funded projects. A new course co-funded by the European Commission’s DG Competition on “The Changing Role of the National Judge in EU State Aid Cases” – with interactive case studies and a forum for participating judges – was launched towards the end of 2017 and completed in 2018. A total of 287 judges from 23 Member States participated in the course, which was developed in English, French and German in cooperation with nine national judicial training institutions as well as the Association of European Administrative Judges and the European Judicial Training Network. The course is still available for judges at www.state-aid-online.eu.

Projects co-funded by the Commission in the framework of the Justice Programme led to the development of two interactive online tools for judges and legal practitioners: one on “Legal English for Judicial Cooperation in Civil Matters” (www.era.int/languagetool) and another on “Electronic Evidence: Best Practice Guide” (www.era.int/e-evidenceguide). Both remain available online for free beyond the lifetime of the respective projects.

Two new e-learning modules were developed as part of a project funded by the European Commission’s DG Environment on “EU Environmental Law for National Judges”.

And four tailor-made e-learning courses were commissioned by the European Parliament for delivery in 2019.

E-PRESENTATIONS AND YOUTUBE

The number of e-presentations – film recordings of speakers at ERA events combined with embedded background documentation and a self-assessment quiz, available in different technical formats – continued to grow in 2018, with 89 new e-presentations being produced. The e-presentations deal with specific and current issues of European law and ensure that the training provided in ERA’s face-to-face events continues to be available to a wider audience long after the event has taken place.

For each e-presentation, there is a basic version available for free and a premium version with added functionality, including the possibility to obtain a certificate to meet continuing professional development (CPD) obligations, which is available on the ERA website for a modest fee. The basic version is also available on ERA’s YouTube Channel www.youtube.com/c/EuropeanLawERA, which received over 16,000 views in 2018.
Since 2016, all ERA’s competition law workshops in Brussels have been live-streamed. Online participants receive all the related background documentation, can interact with speakers through a chat function, and have the option to replay a recording of the stream after the event. The uptake of this format in 2018 continued to be encouraging and ERA intends to expand its programme of live streams of selected events, thus widening its potential target audience.

In addition, a seminar on “Disability in Employment and Beyond”, part of a series funded by the European Commission on EU Disability Law and the United Nations Convention on the Rights of Persons with Disabilities, was live-streamed with closed captioning and interpretation into International Sign Language. Across ERA’s own platform and social media, the stream attracted more than 800 views.

In recent years, ERA has put increasing efforts into the creation of user-friendly project subsites in order to ensure accessibility and therefore widespread use of the materials developed in the framework of large-scale projects. New subsites – with publicly accessible training materials, documentation libraries, e-learning courses, audio podcasts and video recordings – on subjects as varied as “Mediation in the EU: Language, Law and Practice”, “Training for National Judges in EU Competition Law,” and “Investigating Web 2.0” – were added in 2018.
ERA runs a scholarship programme to enable practitioners of law who could not otherwise afford to do so to participate in its conferences, seminars and summer courses. The programme is financed solely by donations.

In 2018, ERA awarded two kinds of scholarships:

- 7 scholarships for events in the field of banking and financial markets law, sponsored by the Deutsche Bundesbank Mainz;
- 41 scholarships for other events thanks to the funds raised by the Friends of ERA Association and its Jubilee Fund.

The scholars came from 17 different countries: Albania, Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Germany, Greece, Hungary, Italy, Lithuania, Northern Macedonia, Poland, Portugal, Romania, Serbia, Slovenia and Spain.

Amounting to a total of €49,500, the value and number of scholarships awarded in 2018 were the highest since the programme began in 2002.

ERA would like to thank all those who supported the scholarship programme with a donation in 2018:

- Friends of ERA Association
- Deutsche Bundesbank Mainz
- Christa Christensen
- Dieter Pscheidl
- Brian Kelly
- Simon Malynicz QC
- Horst Kreppel
- Hilary Ross
- Paola Balbo
- Nina Niejahr
- Marco Sussi

As a recently admitted Czech Patent Attorney working in the generics pharmaceutical industry since 2014, I deal with European Intellectual Property Law on a daily basis and in various forms. Patent Attorneys generally need to have a technical background education (a university degree - mine is chemistry) and they need to acquire their subsequent legal education afterwards, which can be very demanding and requires a lot of effort.

ERA’s Summer Course on European Intellectual Property Law comprehensively covers all related aspects of Intellectual Property and that is why I was so eager to attend it. It gave me an absolutely unique opportunity to understand the foundations of EU IP Law, not only in relation solely to patents but also to other important parts like copyright, trademarks, designs, competition law, etc. It gave me the possibility to clearly visualise the whole structure of Intellectual Property Rights within the EU. I was able to discuss practical questions with experts during the workshops and also had an opportunity to visit the CJEU and attend an actual case hearing. None of this would have happened without the generous support of the ERA Scholarship Programme for which I am very thankful.
ERA CONFERENCE CENTRE

In addition to ERA’s legal training activities which are held in its own premises in Trier, events of external clients are also regularly hosted in the ERA Conference Centre (ECC). Again in 2018 different types of events were organised within ERA’s walls: congresses, conferences, workshops, receptions, job exchanges as well as state exams. It goes without saying that, in organising its own activities as well as implementing activities for others, ERA not only aims to provide a high level of service but also of client satisfaction.

REVENUE COMPOSITION
- Space rental: 36%
- Catering / Beverages: 41%
- Commission: 9%
- Parking: 8%
- Other: 6%

Rent, beverages and food services remain the primary sources of operating revenue for the ERA Conference Centre. Generating 77 per cent of total revenue in 2018, the percentage of these sources compared to the total income clearly increased from the previous year. Conversely the revenue from commission remained unchanged.

EVENT HIGHLIGHTS IN THE ERA CONFERENCE CENTRE

The European character of the Academy, the central location of its conference centre and the available interpretation facilities qualify the ECC as a special destination for cross-border events. In this context, the following events can be highlighted as exemplary events from 2018.

Without doubt one of the most prestigious events organised in the ECC was the ‘EU public dialogue’ for a selected group of citizens from the Germany-Luxembourg border area at the beginning of October. Surrounded by extensive security measures these participants were able to discuss their most urgent issues with the German Chancellor Angela Merkel. The event was widely covered by different media and press.

In March, a conference on “Monitoring homes for the elderly” was hosted by the German National Agency for the Prevention of Torture, co-organised by the Austrian Ombudsman Board as well as the Council of Europe, which attracted participants from all over Europe. Another multi-lingual event was the annual conference of Interreg VA Grande Région-Großregion which took place in October. Belgian, French, German and Luxembourgish participants from the region Mosel-Saar-Ardennes came to Trier and took part in discussions on the topic ‘Capitalisation and Communication’.

The advisory body of the German federal government and the German states, the so-called Council for Science, discussed in its meeting in April the development of the Academia Pact (Hochschulpakt) and the Academia Future Programme.

Finally the municipal congress 2018 of the Konrad-Adenauer Foundation can be mentioned. With the title ‘Europe is growing locally’ participants exchanged their views on the future of municipalities in the European Union and discussed topics like tourism, culture, partnerships, rural regions and mobility.

Providing high levels of service and support for all of its clients remains a priority for ERA. The ECC and its partners continually focus their efforts to achieve a high level of hospitality and cooperation in order to delivery customer satisfaction.

ECC REVENUE

Also from an economic point of view the ECC can look back on 2018 as a very successful year. Compared to the previous year the income from renting its premises to third parties increased by 40%, clearly exceeding the results of the record year in 2015, representing a new high since the Academy’s premises were first offered to external clients.☆
THE TEAM

THE ERA TEAM IS COMPOSED OF 81 STAFF FROM 16 COUNTRIES

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GENDER OF ERA’S EMPLOYEES

Female Employees 74%
Male Employees 26%

GENDER OF ERA’S EMPLOYEES BY SECTOR

Director, Human Resources; Library
Female Employees: 1
Male Employees: 7

Programmes
Female Employees: 5
Male Employees: 31

Finance & Conference Services
Female Employees: 11
Male Employees: 13

Corporate Communications
Female Employees: 4
Male Employees: 9
THE BOARDS
at 31 December 2018

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Association of European Competition Law Judges (AECLI)

Confederation of European Probation (CEP)

Council of the Bars and Law Societies of Europe (CCBE)

Court of Justice of the European Union

European Association of Judges for Mediation (GEMME)

European Banking Authority (EBA)

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European Criminal Bar Association (ECBA)

European Disability Forum (EDF)

European Employment Lawyers Association (EELA)

European Forum for Restorative Justice (EFRJ)

European Foundation Centre (EFC)

European Judicial Training Network (EJTN)

European Law Institute (ELI)

European Lawyers Foundation (ELF)

European Network of Prosecutors for the Environment (ENPE)

European Organisation of Prison and Correctional Services (EuroPris)

European Parliament

European Union Agency for Law Enforcement Training (CEPOL)

Europol

International Centre for Migration Policy and Development (ICMPD)

Institute of European Media Law (EMR)

NATIONAL LEVEL

AUSTRIA

• Court of Appeal of Vienna
• Federal Ministry for Europe, Integration and Foreign Affairs
• Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice
• LEFÖ (Information, Education and Support for Migrant Women)
• Supreme Court of Justice of the Republic of Austria

BELGIUM

• Judicial Training Institute (IGO-IFJ)
• Union of Commercial Judges of Belgium (UJCB/URHB)

BULGARIA

• Foundation European School of Enforcement (ESE)
• National Institute of Justice

CROATIA

• Judicial Academy

CZECH REPUBLIC

• Judicial Academy

ESTONIA

• Estonian Prosecutor’s Office
• Supreme Court

FINLAND

• Finnish Bar Association
• Ministry of Justice
 Cooperation partners at the European level and 60 at the national level in 2018

FRANCE
- Court of Cassation
- École Régionale des Avocats Grand Est (ERAGE)
- Haute École des Avocats Conseils (HEDAC)
- National High School for the Police (ENSP)
- National School for Clerks (ENG)
- National School for the Judiciary (ENM)
- University Paris 2 Panthéon-Assas

GERMANY
- Bavarian State Ministry of Justice
- Federal Ministry of Justice and Consumer Protection (BMJV)
- Ministry of Justice of North Rhine-Westphalia
- Judicial Academy of North Rhine-Westphalia
- Ministry of Justice and Consumer Protection, Rhineland Palatinate
- Ministry of Justice of Baden Württemberg

GREECE
- Athens Bar Association
- National School of Judiciary

HUNGARY
- National Office of the Judiciary (NOJ)

IRELAND
- The Bar of Ireland

ITALY
- High School for the Magistracy
- Link Campus University of Rome

LATVIA
- Latvian Judicial Training Centre
- National Courts Administration

LITHUANIA
- National Courts Administration

MOLDAVIA
- Judicial Academy
- Judicial Training Centre, Ministry of Justice

NETHERLANDS
- Training and Study Centre for the Judiciary (SSR)

POLAND
- National School of Judiciary and Public Prosecution (KSSP)
- Polish Bar Foundation
- National Bar of Attorneys at Law
- Supreme Administrative Court

PORTUGAL
- Portuguese Association for Victim Support (APAV)
- Centre for Judicial Studies (CEJ)
- Directorate General for the Administration of Justice (DGAJ), Ministry of Justice

ROMANIA
- National Institute of Magistracy (NIM)
- National School of Clerks

SLOVAKIA
- Judicial Academy
- Judicial Training Centre, Ministry of Justice

SWEDEN
- Judicial Training Academy, National Courts Administration

UNITED KINGDOM
- Cambridge University
- Judicial College of England & Wales
- Judicial Institute for Scotland
The Friends of ERA (officially the Association for the Promotion of the Academy of European Law) brings together individual and institutional members to support ERA’s work – especially by funding ERA’s scholarship programme – and to continue the networking experience initiated when they participate in ERA events.

The association enjoyed a modest growth of 5% in the number of individual members (288) during 2018 and the number of institutional members stayed stable at 13. The members are spread across 29 different countries both in Europe and further afield.

In a number of countries, national chapters of the association organised their own events in the course of the year:

- **German Chapter**: Visit to the 200th anniversary exhibition at the Karl Mark House followed by dinner, Trier, 17 May 2018 (joint event with the Luxembourg Chapter)

- **Luxembourg Chapter**: Visit to the Dräi Eechelen Museum followed by dinner, Luxembourg City, 17 October 2018

- **Portuguese Chapter**: Lunch debate, Lisbon, 23 May 2018

- **Spanish Chapter**: Panel discussion and lunch, Madrid, 10 September 2018

In 2018, the Association made a donation to ERA of €41,000 to support the scholarship programme for practitioners of law who would otherwise be unable to attend ERA’s training programmes.

Find out more at [www.era.int/friends](http://www.era.int/friends)
The Academy of European Law is funded with support from the European Commission. This publication reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information contained therein.