

Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union

MONTENEGRO



Kingdom of the Netherlands



ЦЕНТАР ЗА ПРАВНИ
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Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union

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Table of Contents

List of Acronyms	4
<hr/>	
1. Executive Summary	5
2. Introduction	6
2.1. Current state of play in Montenegrin Judiciary	6
3. The Centre for Training in Judiciary and State Prosecution of Montenegro (CTJSP)	7
3.1. The role of the Centre for Training in Judiciary and State Prosecution of Montenegro	7
3.2. CTJSP's Governance Structure	7
3.3. CTJSP Training Programmes	7
3.3.1. Initial Training Programme	7
3.3.2. In-Service Training Programme	8
3.3.3. Specialised Training Programme	8
3.3.4. CTJSP's Partners and Donor Support in the context of the EU law training activities	8
3.3.5. CTJSP's Training Needs Assessment (TNA)	9
3.3.6. CTJSP's trainers on the EU law	9
4. Training on Litigation before the Court of Justice of the European Union	10
4.1. Why training on litigation before the Court of Justice of the European Union should be provided?	10
4.2. How can training on litigation before CJEU benefit Montenegrin judiciary?	10
5. CTJSP in-depth analysis of the training needs in the context of Litigation before the Court of Justice of the European Union	11
5.1. CTJSP's questionnaires	12
5.2. CTJSP's focus group meetings	13
6. Conclusion	15
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Action Plan for Training on Litigation before the Court of Justice of European Union	16
References	18
Annex – TNA Survey	19

List of Acronyms

CTJSP	Centre for Training in Judiciary and State Prosecution of Montenegro
CA	Civic Alliance
CFR/ the Charter	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
COE	Council of Europe
EU	European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EIPA	European Institute of Public Administration
EJTN	European Judicial Training Network
EUROL	European Union Support to the Rule of Law in Montenegro
HELP	The European Programme for Human Rights Education for Legal Professionals
OPDAT	United States' Office of Overseas Prosecutorial Development, Assistance and Training
TNA	Training Needs Assessment
TOT	Training of Trainers
ADVISERS	Advisers in courts and state prosecution
TRAINEES	Trainees in courts and state prosecution

1. Executive Summary

This Training Needs Assessment (TNA) Report and Training Action Plan were produced within a project entitled “Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights”, financed by the Government of the Kingdom of Netherlands.

The Report provides an in-depth analysis of the current judicial training needs related to litigation before the Court of Justice of the European Union (CJEU) in Montenegro, serving as a baseline for development of future training courses and programmes at the Centre for Training in Judiciary and State Prosecution of Montenegro (hereinafter referred to as the Centre or CTJSP). The Report has been prepared with the aim of presenting the role and core activities of the CTJSP at the national level, outlining the measures that have been undertaken or are planned to achieve its objectives, particularly through the implementation of specialised programmes or training initiatives and assessing the expected outcomes of these efforts, especially in the context of strengthening Montenegro’s capacity to effectively engage with the procedures and jurisprudence of the CJEU.

The Report reflects the opinion of the expert appointed by the Civic Alliance who worked on the conduct and analysis of the results of the TNA in cooperation with the CTJSP and judicial institutions in Montenegro, from July to September 2025 (Expert). The Expert contributed to the TNA with the elaboration of survey questions, collecting data, consultations with the legal authorities and through a legislative review, focusing on the relevant legal framework, as elaborated in this Report.

The main task of the Expert was to contribute to the achievement of the outcome of the Project: *“Improving the skills and capacities of judges, public prosecutors and legal practitioners to litigate substantive EU law before the European Court of Justice after becoming member states and to effectively implement the Charter of Fundamental Rights of the European Union.”* The main component of the Project, which defines the CTJSP as one of the primary beneficiaries of this activity, is focusing on further strengthening of the CTJSP’s existing capacities to plan, organize and analyze results of a TNA as well as its capacities to design and implement training at the national level, specifically on litigation before the Court of Justice of the European Union. The Report aims to reflect the opinion and training needs of judges, state prosecutors and trainers from Montenegro and to enhance their professional knowledge, practical skills, integrity and capacities to adhere to European rule of law standards and apply the EU *acquis*.

The expert’s assignment started in July 2025 and finished in September 2025 with the elaboration of this Report.

2. Introduction

2.1. Current state of play in Montenegrin Judiciary

Although Montenegro is not yet a member of the European Union, it is gradually preparing its legal and institutional system to meet the standards required for active participation in the EU's judicial architecture, including potential interaction with the Court of Justice of the European Union (CJEU). Within the accession framework, particularly Chapter 23 (Judiciary and Fundamental Rights), building capacity for effective litigation before the CJEU becomes increasingly relevant. As Montenegro harmonizes its legal system with the EU *acquis*, understanding how to engage with the CJEU—either through preliminary references or potential future proceedings—forms an essential part of this alignment.

The latest European Commission Progress Report highlights Montenegro's progress in legislative alignment and institutional development in the field of justice and fundamental rights. However, it also stresses the need for further practical implementation, especially in strengthening judicial independence, improving legal certainty and ensuring access to justice. In this context, capacity building for litigation before the CJEU can contribute significantly to increasing the judiciary's confidence and competence in handling the EU law. Familiarity with CJEU procedures and case law enhances the quality of domestic adjudication and helps bridge gaps between national and the EU legal orders.

A persistent challenge lies in the limited practical experience of Montenegrin legal professionals with the EU-level litigation mechanisms. This limits the potential for engaging in judicial dialogue with the CJEU through preliminary ruling procedures, a key mechanism for ensuring the uniform interpretation and application of the EU law. While Montenegro's courts are not yet empowered to make such references, training and mock simulations can foster readiness for future responsibilities. As Montenegro continues its accession journey, having opened all 33 negotiation chapters and provisionally closed seven, strengthening capacity for effective litigation before the CJEU will play an important role in reinforcing the rule of law and demonstrating readiness for full EU membership.

3. The Centre for Training in Judiciary and State Prosecution of Montenegro (CTJSP)

3.1. The role of the Centre for Training in Judiciary and State Prosecution of Montenegro

The Centre for Training in Judiciary and State Prosecution of Montenegro is the only institution in Montenegro that provides training activities to the representatives of Montenegrin judiciary. It is an independent public institution with the capacity of a legal entity, financed through the state budget and established in accordance with the Law on the Centre for Training in Judiciary and State Prosecution adopted in September 2015.

The Centre is responsible for training of judges and state prosecutors in Montenegro, however, it may also organize training activities for lawyers, notaries, bailiffs, advisors and trainees from courts and state prosecution offices. It organizes and implements in-service training, initial training for candidates for judges and candidates for state prosecutors and training activities for trainers and mentors.

3.2. CTJSP's Governance Structure

The CTJSP has two main decision-making bodies: **the Steering Committee** and **the Programming Council**. It also has a Secretariat which implements the Centre's annual training programme and conducts a broad range of accompanying everyday activities.

The Steering Committee has 7 (seven) members appointed by their respective institutions, for a mandate of 4 (four) years. It appoints the members of the Programming Council and adopts the Programming Council's proposal for the Annual Training Programme.

The Programming Council has 10 (ten) members – judges and state prosecutors, appointed by the Steering Committee, for a mandate of 4 (four) years. It consists of two Programming Boards – Programming Board for Initial Training and Programming Board for In-Service Training.

3.3. CTJSP Training Programmes

3.3.1. Initial Training Programme

The CTJSP provides an initial training programme for candidate for judges and candidates for state prosecutors. The length of the initial training programme depends on the court or state prosecution office a candidate for a judge or the candidate for a state prosecutor is trained for¹.

¹ Law on Amendments to the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 054/24), Article 2.

3.3.2. In-Service Training Programme

In-service training is mandatory for judges and state prosecutors in Montenegro. According to the Law on the Centre for Training in Judiciary and State Prosecution, judges and state prosecutors are obliged to attend the in-service training for at least two working days annually and for which they should apply in accordance with their own interests.² CTJSP offers approximately 80 to 110 in-service training activities annually, which also include online training activities. These activities do not include training activities held outside of Montenegro. The number of participants depends on the training activity. The optimal number is 20-25 participants. CTJSP aims at ensuring that all judges and state prosecutors have access to training activities throughout a year.

3.3.3. Specialised Training Programme

The Specialised Training Programme shall consist of a training programme for advisers in courts and state prosecution offices, trainees in courts and state prosecution offices, court and prosecution office staff, attorneys, notaries and bailiffs.³

3.3.4. CTJSP's Partners and Donor Support in the context of the EU law training activities

Numerous CTJSP partners provide ongoing support for development of training activities on the EU law and related European and international standards.

Over the years now, the CTJSP has been implementing an EU Law Training Programme, with seven modules developed with support of the European Institute of Public Administration (EIPA), listed as follows: The European Union Legal Order. Instruments, Characteristics and Fundamental Principles of the EU law (Module I); The Judicial Organization of the European Union. The Court of Justice of the EU and the Role of National Courts (Module II); Cooperation between National Courts and the Court of Justice of the European Union. The Reference for a Preliminary Ruling (Module III); Protection of Fundamental Rights in Europe (Module IV); Judicial Cooperation in Civil and Commercial Matters (Module V); Judicial and Law Enforcement Cooperation in Criminal Matters (Module VI); Legal requirements of the EU enlargement process, EU legal instruments progressively transposed into the Montenegrin legal order (Module VII).

At the end of 2022, the European Judicial Training Network (EJTN) was playing a key role in the Centre's TNA process, in terms of preparation of the EU law training programme through its project, the continuation of which is foreseen in the forthcoming period. Furthermore, through the EUROL II and III projects, seminars on judicial cooperation in civil and commercial matters have been developed and are expected to continue. The Competitiveness and Innovation Project (2022– 2025) supports training development in the area of competition law, while the Horizontal Facility (2019–2022) has contributed to training on judicial independence, human rights and Council of Europe standards. In addition, OPDAT periodically supports training on anti-corruption, human trafficking, terrorism and cross-cutting judicial skills. When it comes to training activities in the field of the European Convention on Human Rights and case law of the European Court of Human Rights, representatives of Montenegrin judiciary participate in training activities organized by the Centre, either on its own

² Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015), Article 45 paragraph 2.

³ Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015), Article 38 paragraph 1.

or in cooperation with the Council of Europe and the US State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) – Program of the US Embassy in Podgorica.

Mapping of the EU law training remains a truly important issue which always has room for further development and improvement.

3.3.5. CTJSP's Training Needs Assessment (TNA)

Before adopting its annual training programme, the Centre conducts training needs assessment on the basis of the Training Needs Assessment Methodology developed with the support of the Council of Europe within the project "Accountability and Professionalism of the Judicial System in Montenegro", i.e. the Horizontal Facility for the Western Balkans and Turkey II. This methodology is based on a comprehensive approach which includes various qualitative and quantitative research tools and methods. This includes collecting data by sending electronic questionnaires, but also through focus group meetings and interviews with the training programme beneficiaries, which serve as a basis for preparation of the annual training programme. The Centre also takes into account the review of legislation, reports and strategic documents, letters from national institutions and organizations, contributions from professional associations and non-governmental organizations, analysis of other available statistical data, expert assessments and, of course, the Progress Report of Montenegro prepared by the EU Commission, as well as other relevant recommendations. The Centre also uses the Google Analytics platform, i.e. a questionnaire for collecting opinions and suggestions of judges. The invitation link is sent to all judges through court presidents and. With regard to focus groups, the Centre, first of all, carefully selects the members of these on an annual basis and then at the meetings the Centre gains a deeper insight into their views, opinions and suggestions. There are three focus groups - for criminal law, civil law and misdemeanor law. When it comes to the judges of the Commercial Court and the Administrative Court, due to the small number of these judges, the Centre usually conducts an interview with them in order to take into account their opinion. When it comes to state prosecution offices, they conduct their own training needs assessment, after which the responses are duly submitted to the Centre.

Since 2023, a set of questions about the EU law has been included in the questionnaire with the help of the European Judicial Training Network (EJTN). The main expected result hereof was development of a Training Programme on the EU *acquis*, consisting of 5 (five) face-to-face and 1 (one) online seminar, which was incorporated into the CTJSP's Annual Training Programme in 2023 and 2024 and successfully implemented. Namely, the EJTN appointed two experts who worked on conducting the analysis of the results of the TNA in cooperation with the Centre from November to December 2022. These experts contributed to the TNA with elaboration of survey questions, participation in focus groups meetings, discussions with project beneficiaries and other relevant stakeholders, as well as with drafting a proposal for organization of training courses on the EU law and recommendations for improvement of the TNA process.

3.3.6. CTJSP's trainers on the EU law

Before EJTN's support in the Centre's Training Needs Assessment process, the CTJSP relied on three trainers for design and implementation of the EU law training. However, after the Training of Trainers workshops, organized within cooperation of the Centre with the EJTN, the Centre's pool of experts for the EU law was significantly extended. Now it includes three judges, one state prosecutor and one lawyer. It has been planned to further develop the Centre's pool of experts for the EU law but also to provide additional training to existing trainers.

4. Training on Litigation before the Court of Justice of the European Union

4.1. Why training on litigation before the Court of Justice of the European Union should be provided?

Proceedings before the Court of Justice of the European Union (CJEU) are of particular importance for Montenegro, despite the fact that Montenegro is not yet a Member State of the European Union, nor are its courts formally bound to apply the EU law. The reason for this is clear. Full EU membership remains the strategic objective of all European countries that are currently outside the Union. Montenegro took its first step in that direction by signing the Stabilization and Association Agreement (SAA) and opening accession negotiations. In order to obtain full membership, Montenegro will have to meet a number of conditions, one of which is the acceptance of the entire body of the EU law in force at the time of accession, the *acquis communautaire*, which naturally includes the case law of the Court of Justice of the European Union.

Even now, during the pre-accession period, the EU law is gradually becoming part of Montenegro's national legal order. It is currently relevant and applied partially on the basis of the Stabilization and Association Agreement, partially through harmonized national legislation and partially through the reception of legal solutions from the EU Member States.

4.2. How can training on litigation before CJEU benefit Montenegrin judiciary?

Given its candidate status and ongoing accession process, Montenegro is expected to gradually build capacity to engage with the Court of Justice of the European Union (CJEU). Training on effective litigation before the CJEU equips judges, state prosecutors and legal professionals with the necessary knowledge to understand the procedural and substantive aspects of bringing or handling cases before the Court. This contributes to aligning Montenegro's judiciary with the institutional practices of the EU, while also fostering a culture of proactive legal interpretation in light of the EU law. Familiarity with the CJEU procedures encourages the judiciary to consider preliminary references as a tool for dialogue with the Court and for clarifying complex issues of the EU law.

By strengthening the judiciary's capacity to effectively litigate before the CJEU, Montenegro demonstrates a practical commitment to the application and enforcement of the EU law. This capacity is essential for ensuring legal certainty, protecting individual rights and reinforcing mutual trust between national and EU institutions. It also supports Montenegro's efforts in key areas of the accession process, particularly in meeting benchmarks under Chapters 23 and 24. Ultimately, building competence in CJEU litigation enhances the credibility, independence and European orientation of the judiciary, contributing to the overall rule of law reforms required for the EU membership.

5. CTJSP in-depth analysis of the training needs in the context of Litigation before the Court of Justice of the European Union

Before preparing the Action Plan (see p.16-17) for training activities on litigation before the Court of Justice of the European Union, the CTJSP conducted an in-depth analysis of the existing training needs in the aforementioned context, in the form of questionnaires and focus group meetings. These forms serve as a baseline for developing courses and training activities that are conducted at the Centre for Training in Judiciary and State Prosecution of Montenegro.

5.1. CTJSP's questionnaires

When conducting the Training Needs Assessment for a specific topic, the CTJSP sends the tailored questionnaires to representatives of the Montenegrin judiciary for whom the specific area is relevant. Thus, in July 2025, the Centre prepared and sent the questionnaire on the application of the Charter of Fundamental Rights of the European Union to all judges (**Annex**).

Out of the total number of questioned judges,

- ✓ 57.1% of judges represented basic courts, 21.4% of judges represented the Administrative Court, 10.7% of judges represented the Commercial Court, whereas 10.8% of judges represented other courts (Supreme Court of Montenegro, the Court of Appeals of Montenegro and the Misdemeanor Court).
- ✓ 56.3% of judges had up to four (4) years long service, 10.7% of judges had 10-15 years long service, 17.9% of judges had more than 15 years long service, whereas 17.9% of judges had 4-10 years long service.
- ✓ 42.9% of judges were 35-45 years old, 39.3% of judges were 45-55 years old, 10.7% of judges were 55-65 years old, whereas 7.1% of judges were 25-35 years old.
- ✓ 78.6% of judges were female, 21.4% of judges were male.
- ✓ 89.3% of judges considered that offer and quality of training activities on the EU law intended for holders of a judicial function could be upgraded, whereas 10.7% of judges considered that these could not be upgraded.
- ✓ 64.3% of judges considered that so-far training activities on the EU law partially met the needs of holders of a judicial function in Montenegro, 28.6% of judges considered that so-far training activities on the EU law successfully met the needs of holders of a judicial function in Montenegro, whereas 7.01% of judges considered that these did not meet the needs.
- ✓ 96.4% of judges considered that they should have been provided with more information on how to implement the EU law in the legal system of Montenegro, whereas 3.6% of judges considered that they should have not.
- ✓ 50% of judges stated that they had attended one training activity on the EU law in the previous period, 10.7% of judges stated that they had attended two training activities, 10.7% of judges stated that they had attended four training activities, whereas 17.9% of judges stated that they had not attended the training activities on the EU law in the previous period.
- ✓ 75% of judges stated that they were partially familiar with the EU acquis, whereas 21.4% of judges stated that they were familiar with the EU acquis.
- ✓ 82.1% of judges stated that they were familiar with the case law of the Court of Justice of the EU, whereas 17.9% were not.
- ✓ 53.6% of judges found the case law of the Court of Justice of the EU relevant for some areas, 28% of judges found the case law of the Court of Justice of the EU relevant to a significant degree, whereas 17.9% of judges found the case law of the Court of Justice of the EU relevant to a low degree.

- ✓ 57.1% of judges stated that they were partially familiar with the concept of fundamental principles as developed in the jurisprudence of the Court of Justice of the EU, whereas 42.9% of judges stated that they were familiar with the concept of fundamental principles.
- ✓ 42.9% of judges stated that they had attended training on litigation before the Court of Justice of the European Union, whereas 57.1% of judges stated that they had not.
- ✓ 46.4% of judges stated that they were not familiar with the preliminary ruling procedure under Article 267 of the Treaty on the Functioning of the European Union, 32.1% of judges stated that they were partially familiar, whereas 21.4% of judges stated that they were familiar.
- ✓ 85.7% of judges stated that they would like to attend training activity on The Role of National Courts in the Application of the EU Law, 53.6% of judges stated that they would like to attend training activity on The Court of Justice of the European Union: Role, Structure and Jurisdiction, 60.7% of judges stated that they would like to attend training activity on The Preliminary Ruling Procedure, 35.7% of judges stated that they would like to attend training activity on The Effects of a Preliminary Ruling Judgment, 57.1% of
- ✓ judges stated that they would like to attend training activity on Litigation before the Court of Justice of the EU, 35.7% of judges stated that they would like to attend training activity on Action for Annulment, 25% of judges stated that they would like to attend training activity on Action for Failure to Act, 53.6% of judges stated that they would like to attend training activity on Fundamental Principles Established by the Case Law of the Court of Justice and 64.3% of judges stated that they would like to attend training activity on the Case Law of the Court of Justice of the EU as a Source of Law.
- ✓ 78.6% of judges were interested in attending specialized training programme (consisting of several modules, i.e. thematic units) on litigation before the Court of Justice of the EU, whereas 21.4% of judges were not.

5.2. CTJSP's focus group meetings

The aim of focus group meetings is to collect comments and suggestions on real training needs. Focus groups enable collection of qualitative data and show participants' attitudes, perceptions and opinions. Information is gathered through brainstorming or moderated discussions.

In September 2025, the CTJSP organised a focus group meeting on training needs assessment in the context of litigation before the Court of Justice of the European Union.

All participants in the focus group meeting agreed that training activities are both necessary and useful, especially now that Montenegro is approaching the EU membership.

Having been asked why interest in the EU law training had been relatively low in previous years and what the reasons for cancellation of training activities on this subject were, the participants responded that heavy workload and daily obligations in courts and state prosecution offices had been the main reason. In addition, they had to focus on what was most pressing at a given moment and therefore often chose training on that specific topic. Finally, they believed that there was still time to become familiar with the EU *acquis* and case law of the Court of Justice of the European Union (CJEU), since

Montenegro had yet to fulfill the requirements for the EU membership. Now that accession is coming closer, they believe and hope that interest in these topics will increase and that training in this field will be given priority—especially due to the fact that their knowledge of the EU law is quite limited. They are aware that upon Montenegro's accession to the EU, they will be required to apply the *acquis*, which will have primacy over domestic law.

As priority topics of training activities, the participants in the focus group meeting proposed the following ones: Court of Justice of the EU – structure, jurisdiction, and organization; Proceedings before the Court of Justice of the EU; Preliminary ruling procedure; Actions (proceedings based on applications/claims); Skills and tools for the daily monitoring of the EU *acquis* and the case law of the Court of Justice of the EU; Case law of the Court of Justice of the EU.

Participants agreed that training should start from the basic level but with as little theory as possible and a stronger emphasis on practical approaches. The focus should be on the experiences of the EU member states. They stressed that such training activities should be mandatory, given that all judges (regardless of their level or jurisdiction) would have to apply the EU law.

When asked whether judges currently follow the case law of the CJEU and use it in their decision-making, participants responded that first-instance judges were increasingly referring to it. This is encouraging, because they show awareness of Montenegro's obligation to align with the *acquis* before its accession to the EU.

As for training methods and methodology, judges and state prosecutors proposed interactive training, i.e. workshops with case studies and simulations, with as much practical content and as little theory as possible. They reiterated that judges and state prosecutors should be practically trained to search the EU case law and legislation and to be familiar with databases and tools serving this purpose.

They also highlighted that study visits to the CJEU and other EU institutions would be highly valuable, since these would enable them to observe procedures on site and exchange experiences and practices with judges of the CJEU and other senior EU officials.

All participants agreed that interactive workshops and mentoring-based training activities are the most effective formats, as they require active participation rather than passive observation. They also agreed that online training is inadequate and unproductive, since it fails to capture participants' attention to a sufficient degree. They added that training was particularly effective when held in person. They further emphasized that training was more effective when conducted outside participants' place of residence and place of work, as this prevents them from returning to their offices to "quickly handle" tasks at the request of superiors or colleagues.

It was suggested that trainers on this subject should primarily be judges, i.e. colleagues from the EU member states, particularly Croatia and Slovenia—given the shared legal heritage, similarities in the normative framework and the lack of significant language barriers. Trained national trainers, professors of law and other experts from the field were also identified as suitable trainers, but always in combination with practitioners (judges and state prosecutors) from the aforementioned EU member states.

Finally, the participants in the focus group meetings stressed the importance of providing adequate training materials (manuals, practice guides, case law—judgments, guidelines, etc.), prior to a training activity.

6. Conclusion

The Montenegrin judiciary is undergoing an important phase of consolidation and European integration, where strengthening professional capacity is essential in order to achieve higher standards of independence, efficiency and legal certainty. In this context, the Centre for Training in Judiciary and State Prosecution of Montenegro has established itself as a cornerstone institution. Through its wide range of programmes – particularly those on the EU law developed with the support of its international partners – the Centre is ensuring that judges, state prosecutors and other legal professionals acquire the skills necessary to meet the demands of the EU membership.

The Training Needs Assessment (TNA) process, combined with the in-depth analysis conducted through questionnaires and focus groups, has provided a clear evidence base for tailoring programmes to real judicial practice. In particular, introduction of training on litigation before the Court of Justice of the European Union represents a significant step forward. Such training will enable Montenegrin judges and state prosecutors to understand the EU procedural frameworks, strengthen their ability to apply the EU law consistently and prepare them for active participation in the EU legal order once Montenegro accedes. It also supports the development of practical skills in drafting submissions, interpreting judgments and aligning domestic reasoning with the EU standards.

Taken into account the aforementioned, these initiatives demonstrate that Montenegro has not only identified its training priorities but is also implementing them in a systematic and forward-looking manner.

Action Plan for Training on Litigation before the Court of Justice of European Union

Based on the findings of the TNA and in response to the specific needs and preferences of the target group, this Action Plan outlines a structured and phased approach to capacity building in the area of litigation before the CJEU. The objectives of the Action Plan are to: *Strengthen foundational and advanced knowledge of the CJEU's institutional framework, jurisdiction and procedures; Improve understanding and readiness to engage in the preliminary ruling procedure, including the drafting of reference requests; Develop practical litigation skills, including written submissions and oral pleadings before the CJEU; Promote the use of CJEU case law and fundamental principles in national judicial reasoning; Establish a sustainable pool of national trainers capable of delivering future EU law training; Foster institutional cooperation and peer learning between judges and other actors involved in the EU-related litigation.*

The Action Plan proposes a set of targeted training activities, designed to respond directly to the identified gaps and priorities, while reflecting the methodological preferences of judicial professionals. It also includes monitoring and evaluation mechanisms to ensure continuous improvement and long-term impact.

The following table outlines the specific activities, target groups, methodologies, responsible institutions and expected outcomes under this training initiative.

This Action Plan outlines activities for 2026 and 2027, designed to equip judicial professionals with necessary skills and knowledge prior to Montenegro's anticipated EU accession.

Objective	Activity	Target Group	Format & Methodology	Responsible Institution(s)	Expected Output / Outcome
Build foundational knowledge of the CJEU and its role	Introductory training on the jurisdiction, structure and procedures of the CJEU	Judges, legal advisers, judicial trainees	In-person lecture, facilitated discussion with CJEU expert	CTJSP, EU partners	Participants understand institutional role, composition and functioning of the CJEU
Improve understanding of the preliminary ruling procedure (Art. 267 TFEU)	Targeted workshop on Article 267 TFEU, with practical examples and simulated referrals	Judges of basic, administrative, commercial courts, high courts, Court of Appeal, Supreme Court, legal advisors	Case-based workshop, sample preliminary questions, peer discussion	CTJSP, Supreme Court liaison	Participants recognize situations appropriate for referral and improve drafting skills

Address knowledge gaps in litigation procedures before the CJEU	Thematic seminar on litigation stages before the CJEU, including admissibility and written/oral stages	Judges, state prosecutors, government agents	In-person lecture + case analysis + guided discussion	CTJSP, EU partners	Improved familiarity with procedural aspects of CJEU litigation
Strengthen practical skills through simulation	Mock trial and legal drafting simulation before the CJEU	Selected judges and state prosecutors	Moot court, written pleadings exercise, roleplay	CTJSP, Faculty of Law	Participants gain hands-on experience in preparing and presenting CJEU cases
Develop deeper understanding of CJEU case law	Seminar on identifying, analysing and applying CJEU jurisprudence in national proceedings	All interested judges and legal professionals	Case study methodology, group work, guided research	CTJSP	Participants apply CJEU jurisprudence as persuasive authority
Promote integration of the EU fundamental principles in judicial reasoning	Advanced training on fundamental principles derived from CJEU case law	Senior judges and trainers	Lecture, case discussion, practical application	CTJSP, EU Partners	Participants integrate the EU principles in reasoning and align decisions with the EU standards
Build sustainable national training capacity	Training-of-trainers (ToT) programme focused on CJEU litigation and methodology	Experienced judges, legal educators	Interactive methodology sessions, training design, resource development	CTJSP, EU Partners	National pool of trainers qualified to deliver future CJEU-focused training
Facilitate inter-institutional coordination	Roundtable on practical challenges in applying and litigating the EU law	Judges, Ministry of Justice, state agents and other relevant institutions	Structured peer discussion, exchange of practices	CTJSP, Ministry of Justice	Improved collaboration and information sharing between institutions
Ensure continuous access to resources	Development of an online learning module: "Litigation before the CJEU"	Judiciary at large, especially those in remote areas	Modular e-learning (readings, expert videos, case analysis tools)	CTJSP, EU-funded project	Permanent online access to CJEU-related training and reference materials
Evaluate training effectiveness and future needs	Post-training evaluation, medium-term follow-up, impact assessment	Training participants	Feedback tools, interviews, application tracking	CTJSP	Training is continuously improved based on needs and real-world application

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Annex – TNA Survey

UPITNIK O POTREBAMA ZA OBUKOM SUDIJA O PRAVU EU SA AKCENTOM NA POSTUPKE PRED SUDOM PRAVDE EU

“Strengthening Regional Judicial Cooperation in the Western Balkans for Effective *Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights*”

OSNOVNI PODACI

1. Molimo vas označite sud u kojem obavljate sudijsku funkciju:

- ☐ Sud za prekršaje
- ☐ Osnovni sud
- ☐ Viši sud
- ☐ Apelacioni sud
- ☐ Vrhovni sud

2. Koliko dugo obavljate tužilačku funkciju:

- ☐ 0-4 god.
- ☐ 4-10 god.
- ☐ 10-15 god.
- ☐ 15 +

3. Godine starosti:

- ☐ 25-35
- ☐ 35-45
- ☐ 45-55
- ☐ 55-65
- ☐ 65+

4. Pol/rod:

- ☐ Muški
- ☐ Ženski
- ☐ Ostalo

OCJENA DOSADAŠNJE PONUDE OBUKA U OBLASTI PRAVA EVROPSKE UNIJE

Ovaj dio upitnika ima za cilj da procijeni vaše zadovoljstvo obukama o pravu Evropske unije koje ste dosada imali prilike da pohađate.

**Molimo vas da iz svojih odgovora izostavite obuke o Evropskoj konvenciji o zaštiti ljudskih prava i osnovnih sloboda (EKLJP) i obuke o drugim konvencijama Savjeta Evrope.*

5. Da li smatrate da se ponuda i kvalitet obuka u oblasti prava Evropske unije za nosioce pravosudne funkcije u Crnoj Gori trebaju unaprijediti?

☐ Ne

☐ Da

6. Da li su dosadašnje obuke o pravu Evropske unije uspješno odgovorile na potrebe nosilaca pravosudne funkcije u Crnoj Gori?

☐ Ne

☐ Da

☐ Djelimično

7. Da li je potrebno na obukama iz oblasti prava Evropske unije pružiti više informacija o tome kako se pravo Evropske unije može primijeniti u pravnom sistemu Crne Gore:

☐ Ne

☐ Da

8. U prethodnom periodu pohađao/la sam obuke o pravu Evropske Unije, i to:

☐ Nisam pohađao/la

☐ 1 obuka

☐ 2 obuke

☐ 3 obuke

☐ 4 obuke

☐ 5+ obuka

Molimo Vas da (ukoliko se sjećate) navedete nazive obuka koje ste pohađali:

1) _____

2) _____

3) _____

4) _____

5) _____

OCJENA POTREBA ZA OBUKOM U NAREDNOM PERIODU

9. Da li ste upoznati sa pravnom tekovinom EU?

- ☐ Ne, nisam
- ☐ Da, jesam
- ☐ Djelimično sam upoznat/ta

10. Da li pratite praksu Suda pravde EU?

- ☐ Ne
- ☐ Da

11. Da li smatrate da je praksa Suda pravde EU relevantna za vaš posao i u kojoj mjeri?

- ☐ Ne smatram da je relevantna
- ☐ Relevantna je u manjoj mjeri
- ☐ Relevantna je za neke oblasti
- ☐ Relevantna je u velikoj mjeri

12. Da li ste upoznati sa konceptom osnovnih načela koja su ustanovljena sudskom praksom Suda pravde EU?

- ☐ Ne
- ☐ Da
- ☐ Djelimično sam upoznat/ta

13. Da li ste dosada pohađali obuke o postupcima koji se vode pred Sudom pravde EU?

- ☐ Ne, nisam
- ☐ Da, jesam

14. Da li ste upoznati sa postupkom odlučivanja o prethodnom pitanju iz člana 267 Ugovora o funkcionisanju EU

- ☐ Ne, nisam
- ☐ Da, jesam
- ☐ Djelimično sam upoznat/ta

15. Na koje od navedenih tema biste voljeli pohađati obuke?

- ☐ Uloga nacionalnih sudova u primjeni prava EU
- ☐ Sud pravde EU: uloga, struktura i nadležnosti
- ☐ Postupak odlučivanja o prethodnom pitanju
- ☐ Efekti presude o prethodnom pitanju
- ☐ Postupak pred sudom pravde EU
- ☐ Tužba za poništaj
- ☐ Tužba za utvrđivanje propuštanja
- ☐ Osnovna načela ustanovljena sudskom praksom Suda pravde
- ☐ Praksa Suda pravde EU kao izvor prava

16. Navedite najmanje 1, a najviše 3 tema u vezi sa postupcima pred Sudom pravde EU za koje je obuka po Vašem mišljenju najpotrebnija:

- 1) _____
 2) _____
 3) _____

17. Da li ste zainteresovani da prođete specijalizovani program obuke koji bi se sastojao iz više modula (tematskih cjelina) o postupcima pred Sudom pravde EU?

☐ Da

☐ Ne

METODOLOGIJA SPROVOĐENJA OBUKA

18. U tabeli su navedene različite vrste, odnosno načini sprovođenja obuka kako bi ih rangirali u odnosu na njihovu efikasnost kada su u pitanju nosioci pravosudnih funkcija?

Na skali od 1 – 5 (1 = najmanje efikasna – 5 = najefikasnija)	1	2	3	4	5
Obuke uživo (Face-to-Face)					
Online obuke i webinar					
Mješovite obuke - hibridne obuke (kombinacija uživo i online obuke)					
E-learning kursevi (sa e-learning platformi: tutorisani i self-paced online kursevi)					
Obuke među kolegama (peer to peer) – mentorstvo na radnom mjestu					
Samoedukacija					

19. U tabeli ispod navedene su metode obuke pa vas molimo da ih rangirate po djelotvornosti postizanja najboljih rezultata učenja?

Na skali od 1 – 5 (1 = najmanje djelotvoran – 5 najdjelotvorniji)	1	2	3	4	5
Predavanja					
Vođene diskusije					
Studije slučaja (case study) i primjeri iz sudske prakse					
Simulacije suđenja/Moot court i Mock trial (lažno suđenje)					
Rješavanje zadataka/problema u grupi tzv. rad u grupama					

20. Ko, po vašem mišljenju treba da su predavači/treneri na obukama o pravu EU?

Rangirajte ih po tome koji od dolje navedenih profila u najvećoj mjeri treba da su zastupljeni kao predavači na obukama o pravu EU.

Na skali od 1 – 5 (1 = u najmanjoj mjeri – 5 = u najvećoj mjeri)	1	2	3	4	5
Stručnjaci iz različitih oblasti koje se odnosi na predmetnu obuku					
Profesori i naučni radnici					
Kolege sudije i tužioci sa velikim radnim iskustvom (iz viših instanci)					
Obučeni predavači /treneri koji su završili trening za trenere na temu prava EU					
Kolege sudije i tužioci koji posjeduju interesovanje za teme koje su predmet obuke, bez obzira na godine radnog iskustva					
Regionalni i međunarodni eksperti iz zemalja EU koji imaju iskustvo primjene prava EU u svakodnevnom radu					
Advokati					

21. Da li imate neke dodatne predloge i sugestije za unaprjeđenje obuka na temu prava EU?

