

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

SERBIA



Kingdom of the Netherlands



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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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List of Acronyms

CJEU	Court of Justice of the European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
TFEU	Treaty on the Functioning of the European Union
EU	European Union
FRA	European Union Agency for Fundamental Rights
EJTN	European Judicial Training Network
LMS	Learning Management System
TNA	Training Needs Assessment

1. Introduction and context

The Court of Justice of the European Union (CJEU) represents the central judicial institution within the EU legal system, responsible for ensuring the uniform interpretation and application of Union law. In the context of the Republic of Serbia's accession to the European Union, national courts will assume an active role in the application of EU law, including the obligation to cooperate with the Court of Justice through the preliminary ruling procedure (Article 267 TFEU).

Litigation before the CJEU and the proper use of its judgments in national practice represent a strategic issue for the Serbian judicial system, particularly within Chapters 23 and 24. This TNA report aims to assess the preparedness of the judiciary for this transition and to identify areas where capacity strengthening is required.

2. Objective and Analytical Framework of the Assessment

The objective of the assessment is to map existing knowledge and institutional capacities related to litigation before the CJEU, with particular focus on the preliminary ruling procedure, direct actions, the principle of supremacy and direct effect of EU law, as well as the doctrine of state liability.

The analytical framework includes the assessment of normative knowledge, procedural skills, and institutional understanding of the future role of national courts as “courts of EU law.” Special focus is placed on the transformation of the judicial function following EU accession – the transition from indirect monitoring of CJEU case law to the obligation of its direct consideration and application.

The preliminary ruling procedure has been identified as a key point of institutional transition. Upon membership, judges will be obliged, in certain situations, to refer questions to the CJEU, respecting criteria developed through case law (*acte clair* and *acte éclairé*). Failure to refer a question may lead to Member State liability, further emphasizing the need for specialized training.

The objective of this Training Needs Assessment (TNA) is to:

- Identify the level of understanding of the fundamental characteristics of EU law (primary and secondary legislation, direct effect, supremacy, state liability);
- Assess the readiness of national courts for active application of the preliminary ruling mechanism (Article 267 TFEU);
- Determine court capacities to properly distinguish the competences of the CJEU, the General Court, and national courts;
- Analyse knowledge of different types of proceedings before the CJEU (preliminary ruling, infringement action, annulment action, failure to act, damages action, appeal procedure);
- Assess judges’ readiness to identify situations in which referral for a preliminary ruling is mandatory (CILFIT, *acte clair*, *acte éclairé*);
- Identify practical obstacles to drafting requests for preliminary rulings;
- Assess understanding of the role of national courts as courts of EU law;
- Analyse institutional capacities for monitoring CJEU case law;
- Determine the level of understanding of the relationship between EU law and national procedural law;
- Identify the need for continuous professional training in EU law.

¹ CILFIT (Case 283/81) is a key judgment of the Court of Justice of the European Union delivered in 1982, which established the criteria under which national courts of last instance are not obliged to refer a request for a preliminary ruling to the Court of Justice of the European Union. The Court held that the obligation to refer (Article 267 TFEU) does not exist where the question is irrelevant, where established case law already exists (*acte éclairé*), or where the correct interpretation is so obvious as to leave no scope for reasonable doubt (*acte clair*).

3. Methodology

The assessment is based on:

- Analysis of various documents used in similar assessments in EU Member States, including analysis of guidelines on litigation before the CJEU;
- Comparative analysis of the practice of Croatia, Romania and Bulgaria;
- A developed focus group guide with holders of judicial functions and legal practitioners (see Annex 1);
- Findings obtained from participants of focus groups organised with legal practitioners, judges of different judicial instances and public prosecutors.
- Findings from a questionnaire distributed to all judicial bodies of general jurisdiction in the Republic of Serbia, to which 215 respondents replied (see Annex 2)
- Preliminary mapping of existing training programmes at the Judicial Academy and their coverage of EU law. Special attention was devoted to the areas of administrative, criminal, labour and commercial law where participants identified sporadic encounters with EU law.

4. Findings Obtained from the Examination of Focus Group Participants' Views

During January 2026, three focus groups were held: 1) with representatives of courts of general jurisdiction, including judges of basic, higher and appellate courts; 2) with representatives of courts of special jurisdiction, namely judges of commercial courts, commercial appellate courts, misdemeanor courts, appellate misdemeanor courts and the Administrative Court; and 3) with representatives of public prosecution offices, namely basic public prosecutors and higher public prosecutors.

Focus groups lasted 90 minutes; participants were invited to open communication and expression of views, and anonymity was ensured for the purposes of drafting the report following the focus groups.

Each focus group had 7 segments:

1. The introductory segment in which the facilitator explained the purpose of the focus group, the methodology from which the questions derived, as well as mapping participants' professional experience regarding encounters with European Union law and CJEU case law. The aim of this segment was to determine the frequency of cases with an EU law element in national practice, identify legal areas in which EU law comes into contact with domestic procedure, and assess whether this concerns sporadic or systemic occurrences. This segment represented the starting point for assessing the actual institutional workload with cases having an EU dimension.
2. The second segment focused on the way in which CJEU case law is used in domestic judicial and prosecutorial proceedings. The discussion covered initiative for invoking CJEU case law, the quality and depth of its use, as well as methodological difficulties in interpreting CJEU judgments. The aim was to assess whether the use of case law is substantive or formal, and to identify obstacles affecting the quality of application.
3. The third segment was devoted to the preliminary ruling procedure as a key mechanism of cooperation between national courts and the CJEU. Perceptions of this mechanism were discussed, as well as possible judicial reservations, practical obstacles to its use, and the institutional role of higher courts. This segment had strategic importance for identifying normative, institutional and psychological barriers to the future mandatory application of Article 267 TFEU.
4. The fourth segment focused on understanding the role of courts and prosecution offices in cases with an EU law element. The discussion covered the position of the prosecution, understanding of CJEU standards related to independence and effective judicial protection, and equal inclusion of judges and prosecutors in trainings. This segment enabled an assessment of institutional coordination and potential differences in knowledge levels.
5. The fifth segment was devoted to the evaluation of previous trainings in EU law. Their relevance, applicability and methodological structure were discussed. It was specifically analysed whether trainings were predominantly theoretical or whether they provided practical guidance for work in national proceedings. This segment represented an evaluative basis for improving future training programmes.

6. The sixth segment represented the central TNA segment of the focus group. The discussion focused on identifying priority thematic areas, the need for continuous monitoring of CJEU case law, and the optimal training format. This part enabled direct mapping of thematic priorities and participants' methodological preferences.
7. The final segment had a strategic character and was focused on assessing the institutional readiness of courts and prosecution offices for effective handling of cases involving EU law. The discussion covered necessary changes in the educational and organisational framework, as well as long-term reforms needed to strengthen the capacity of the judiciary in the context of European integration.

4.1. Context and Existing Experience with EU Law

Based on the responses of focus group participants, it can be concluded that encounters with European Union law and CJEU case law in national judicial and prosecutorial practice occur sporadically and to a limited extent. Participants in the field of administrative law state that cases with an EU law element appear in certain "typical" matters, such as public procurement, asylum and competition protection, but that such cases make up a small percentage of the overall workload.

In the field of criminal law, participants state that they have not had direct encounters with CJEU case law, nor have they relied on it on their own initiative. The case law of the European Court of Human Rights is predominantly used, which indicates an institutionally embedded model of reliance on ECHR standards as the primary reference framework for rights protection.

Conclusion: in the current institutional context of the Republic of Serbia, EU law is not perceived as operational law that directly affects everyday judicial reasoning, but rather as a secondary or future source.

4.2. Use of CJEU Case Law in National Proceedings

Focus group participants state that invoking CJEU case law rarely occurs ex officio, while party initiative is also not frequent. Even when case law is cited, it is often used formally, without deeper analysis and without systemic integration into the reasoning of the judgment.

As the main difficulties in interpreting CJEU judgments, participants cite: language barriers, the complexity of reasoning, the need to understand the broader context of EU law, as well as differences between the continental national legal system and the interpretative methodology applied by the CJEU.

Conclusion: there is a lack of methodological training for reading and analysing CJEU judgments, as well as a lack of systemic support in the form of translations and practical guides.

4.3. Preliminary Ruling Procedure (Article 267 TFEU) – Perceptions and Obstacles

Participants recognise the preliminary ruling procedure as an important cooperation mechanism, but currently perceive it as a tool reserved for EU Member States. In the context of future membership, there is awareness that this procedure will become central; however, there is also insecurity regarding its practical use.

The greatest obstacles identified relate to: lack of experience in formulating questions, fear of procedural mistakes, unclear understanding of the obligation to refer, as well as the absence of institutional support and clear guidance from higher courts.

Participants also point to potential judicial reservation due to the length of the procedure and the perception that making a request for a preliminary ruling could slow down case resolution. The role of higher courts is currently not recognised as actively encouraging in preparing for future communication with the CJEU.

Conclusion: the preliminary ruling procedure is a key area for targeted and practice-oriented training, including simulations, analysis of examples and clearly defined procedural steps.

4.4. Role of Courts and Prosecution Offices in Cases Involving EU Law

Participants emphasise that the prosecution may have an active role in legal reasoning when there is an EU law element, but that in practice there is not sufficiently developed awareness of CJEU standards relating to prosecutorial independence, effective judicial protection and procedural rights.

It was also highlighted that judges and prosecutors are not equally covered by trainings on EU law, and that there is a need for joint programmes that would enable harmonisation of approaches and understanding.

Conclusion: future trainings should include both judges and prosecutors, with a clear definition of their complementary role in cases with an EU law element.

4.5. Previous Trainings and Identified Needs for Improvement

Participants stated that they had not attended specialised trainings on the CJEU or that such trainings were sporadic and organised on a project basis. The main shortcomings of previous trainings cited were excessive theoretical orientation and lack of work on concrete cases.

Identified needs include: simulation of the preliminary ruling procedure, analysis of domestic cases with an EU law element, continuous monitoring of CJEU case law, as well as clear guidance on “when and how” to apply EU law in national proceedings.

Regarding format, participants prefer continuous trainings, interactive workshops, mixed groups of judges and prosecutors, and a “training for trainers” model that would ensure sustainability of the education system.

4.6. Concluding Synthesis (TNA Implications)

Analysis of responses by thematic areas shows that the current level of operational readiness for litigation before the CJEU is limited, but that there is clear awareness of the future importance of this area. The identified needs go beyond individual shortcomings and indicate the need for a systemic, continuous and institutionally supported training model integrated into the programmes of the Judicial Academy.

4.7. Model and Content of Desired Trainings (Based on Focus Group Findings)

Based on the analysis of focus group responses, the segment relating to trainings shows the most clearly articulated needs and recommendations. Participants described in detail how the future training system should look – thematically, methodologically and organisationally. Below is an expanded analysis and concretisation of the training model in line with TNA methodology.

4.7.1. Priority Thematic Areas for Training

Based on discussions, the following concrete areas requiring systemic and continuous training can be identified:

- Preliminary ruling procedure (Article 267 TFEU) – detailed procedural structure, obligation, *acte clair* and *acte éclairé* doctrine.
- Formulating a request for a preliminary ruling – practical workshops with drafting of requests.
- Supremacy and direct effect of EU law – practical implications in national cases.
- Member State liability (Francovich doctrine) – consequences for judicial practice.
- Methodology of interpreting CJEU judgments – how to read, analyse and apply reasoning.
- Specific substantive areas: public procurement, asylum, competition, EU criminal law standards.
- The role of the prosecution in cases with an EU law element.
- Procedural rights and effective judicial protection in CJEU case law.

4.7.2. Methodological Approach to Trainings

Focus groups clearly emphasised that future trainings must not be predominantly theoretical. A strong practical component is needed, with the following elements:

- Interactive workshops with analysis of concrete cases.
- Simulation of the preliminary ruling procedure – from identifying the legal issue to drafting the request.
- Work in mixed groups of judges and prosecutors to harmonise approaches.
- Case studies from domestic practice with an EU law element.
- Discussions of real dilemmas and institutional obstacles.
- Work on model judgments that include invoking CJEU case law.

4.7.3. Profile of Lecturers and Trainers

Participants highlighted that the selection of lecturers is crucial. The recommended profile includes:

- Judges and prosecutors from EU Member States with practical experience in work involving the CJEU.
- Foreign experts – practitioners (not exclusively academics).
- Domestic judges who have undergone specialised trainings and can act as trainers.
- “Training for trainers” model – first train a smaller group of domestic experts, who then transfer knowledge further.
- Ensured translation and adaptation of materials to the national legal context.

4.7.4. Dynamics and Organisation of Trainings

Regarding dynamics, focus groups expressed a clear preference for a continuous model instead of ad hoc seminars.

- Organise trainings cyclically – every 3–4 months.
- Form annual programmes with clearly defined modules.
- Combine shorter intensive workshops and study visits.
- Ensure continuity, rather than project-limited activities.
- Include trainings in the permanent programme of the Judicial Academy.
- Form homogeneous groups by legal field (administrative, criminal, commercial).

4.8. Key Recommendations from Focus Groups

- Continuous trainings are needed, not one-off trainings.
- Trainings must be practice-oriented, with case studies.
- Simulation of the preliminary ruling procedure is a priority.
- It is necessary to train domestic trainers.
- Foreign experts with practical experience are desirable as initial lecturers.
- Mixed groups of judges and prosecutors increase the quality of exchange of experience.
- Study visits to Member States are an effective learning method.
- Trainings must be included in the permanent programmes of the Judicial Academy.
- Systematic monitoring of CJEU case law is needed.
- Theoretical lectures without practical application are not sufficient.

5. Findings Based on the Questionnaire Distributed to All Courts and Prosecution Offices of General and Special Jurisdiction (Commercial Courts, Commercial Appellate Courts and the Administrative Court) in the Republic of Serbia

The questionnaire (Annex 2) was drafted following the model of the methodology applied in Member States that most recently acceded to the EU and relates to the analysis of training needs of holders of judicial functions regarding litigation before the CJEU. The questionnaire included 215 respondents from courts and public prosecution offices of general jurisdiction, and courts and prosecution offices of special jurisdiction.

5.1. Sections A and B: Respondent Profile and Experience with EU Law and CJEU Case Law

Out of the total number of respondents, 58 are judges, 28 are public prosecutors, and 129 are judicial and prosecutorial advisers, associates, assistants and trainees.

114 respondents, i.e. 53%, are employed in basic courts; 28, i.e. 13%, in higher courts; 40, i.e. 18.6%, in basic public prosecution offices; 17, i.e. 7.9%, in courts of special jurisdiction; 5, i.e. 2.3%, in appellate courts; 4, i.e. 1.9%, in higher public prosecution offices; 3, i.e. 1.4%, in the Supreme Court of Cassation; 2, i.e. 0.9%, in prosecution offices of special jurisdiction; while there is one respondent each from an appellate public prosecution office and the Supreme Public Prosecution Office (1%).

27% of respondents have over 20 years of service in the judiciary, the same percentage of respondents have up to 5 years of service, 25.6% of respondents have from 10 to 20 years, while 20.5% are employed in the judiciary from 5 to 10 years.

48.4% of respondents work primarily in the field of civil/litigation law, 41.4% in criminal law, 5.6% in labour law, 3.4% in commercial law and 2.4% in administrative law.

55.3% of respondents have never encountered, in their work, invoking CJEU case law, applying EU directives, or referring (or considering referring) a request for a preliminary ruling. 34% of respondents encountered invoking CJEU case law in their work, while 8.4% applied EU directives in their work, and 2.3% encountered requests for preliminary rulings referred to the CJEU.

49.3% of respondents state that they have never used EU law as a source in their work, while 23.3% did so multiple times, 17.7% once or twice, and the remaining percentage of respondents, 11.6%, only theoretically.

When asked in which types of cases the use of EU law as a source was most frequent, excluding the 52.1% who never used it, 25.8% of respondents used it in litigation disputes, 9.3% in criminal cases with an EU element, 5.1% in labour disputes, 2.8% in non-contentious proceedings, while commercial disputes, family disputes, criminal cases without an EU element (*res judicata*), actions in court administration (recusals and disqualifications of judges) and misdemeanor disputes appear in a small percentage.

5.2. Section C – Attitudes towards Proceedings before the CJEU

Regarding the clarity and understanding of the preliminary ruling procedure before the CJEU, 45.1% of respondents on a scale of 1–5 gave a score of 3, 18.6% gave a score of 4, 15.3% gave a score of 5, while for 21% of respondents the preliminary ruling procedure is unclear and incomprehensible (scores 1 and 2).

The same distribution of respondent percentages is repeated regarding the view that the preliminary ruling procedure is clearly applicable in our legal framework.

Regarding the view whether the preliminary ruling procedure is useful for improving the quality of decisions, 36.3% scored the statement with 3, 27.9% with 5, 22.8% with 4, while 13% of respondents do not consider that the preliminary ruling has an impact on the quality of decisions.

The statement that national courts and prosecution offices have sufficient institutional support for communication with the CJEU was scored by 38.6% of respondents with 3, 14.4% with 4, 10.2% with 5, while 36.7% of respondents consider that there is not sufficient institutional support for communication with the CJEU.

Regarding whether national courts/prosecution offices have enough time in proceedings to analyse EU law, 43.3% of respondents consider that there is not enough time, 37.7% gave a score of 3, while 19.1% consider that holders of judicial functions have time to devote to EU law analysis in proceedings.

48.3% of respondents consider that national courts and prosecution offices do not have adequate translation and research resources when it comes to monitoring CJEU case law, 31.6% scored this statement with 3, while 20% of respondents consider that resources are adequate.

The statement that in practice there is a certain reservation regarding referring a request for a preliminary ruling was scored by 42.3% of respondents with 3, 43.2% confirm the statement through scores 4 and 5, while 14.4% consider that there is no reservation in practice regarding referring a request for a preliminary ruling.

46% of respondents consider that in practice there is fear of error or formal incorrectness regarding applying CJEU case law or addressing the CJEU, 37.7% consider that there is indeed fear of error or formal incorrectness, while 16.3% do not consider this statement to be true.

89.3% of respondents consider that in practice there is insufficient awareness of the obligation/possibility to refer a request for a preliminary ruling to the CJEU, while 10.7% do not consider so.

5.3. Section E – Self-Assessment of Knowledge on Litigation and Referring a Request for a Preliminary Ruling before the CJEU

Self-assessed knowledge of EU law basics – sources, direct effect, supremacy – 42.8% scored 3, 19.5% scored 4, 8.8% scored 5, while 28.8% scored 1 and 2. Knowledge of the competences of the CJEU was scored by 42.8% with 3, by 29.7% with 4 and 5, while 27.4% consider they do not know the subject matter sufficiently. Knowledge of the preliminary ruling procedure and its formulation was scored by 35% with 3, 43.3% do not have sufficient knowledge, while 22.4% know this area very well.

Regarding the difference between the CJEU and the ECtHR, 35.8% consider they are insufficiently familiar with the difference, 36.3% score knowledge of the difference with 3, while 27.9% know the difference between the two courts very well.

5.4. Section F – Practical Difficulties or Key Challenges in Understanding and Applying EU Law regarding Litigation before the CJEU

32.1% of respondents cite lack of time as the greatest obstacle and challenge, 26.4% cite an insufficient number of practical examples, 16.7% cite lack of systematised guidelines, 13% cite misalignment of national procedural law, 6% cite complex language of judgments, while 19.8% marked all of the above. 88.8% of respondents are not familiar with any national or internal guidelines for monitoring CJEU case law, formulating a request for a preliminary ruling, or handling EU-sensitive cases. 4.7% of respondents know guidelines regarding formulating a request for a preliminary ruling, while 6% are familiar with guidelines regarding monitoring CJEU case law.

Regarding topics respondents consider most relevant in relation to litigation before the CJEU, the following are highlighted in the highest percentage: analysis of concrete examples from Serbia, practical workshop on preliminary rulings, drafting judicial decisions in line with EU law, the role of the prosecution and independence standards, state liability for breach of EU law, the role of the CJEU in commercial/insolvency law, the role of the CJEU in labour law, while for 3.7% of respondents no topic is important.

Regarding the preferred training format, the highest percentage of respondents opted for joint trainings of judges and prosecutors – 31.2%, 25.1% expressed a preference for interactive workshops, 19.5% for a mixed approach (online and in-person), 17.7% give priority to case studies, while 6.5% opted for mentoring/clinical approach.

5.5. Section G – Open Question: What Would Be the Most Important Practical Outcome of Good Training on Litigation before the CJEU for the Work of National Courts/Prosecution Offices?

Analysis of responses indicates clearly observable patterns in the perception of training needs in the field of litigation before the Court of Justice of the European Union. After excluding neutral answers (such as “I have no opinion” or “I have no answer”), the dominant findings show a high degree of consensus among participants regarding the direction of future professional development activities.

First, respondents emphasise the need for practical application of knowledge, which represents the most frequently repeated theme in the answers. Trainings are not viewed as theoretical familiarisation with EU law, but as an instrument for improving the everyday work of judges and prosecutors. Particular emphasis is placed on understanding concrete procedural steps and the operational use of legal standards developed in CJEU case law.

A significant number of answers indicates the need for continuous professional development, with respondents stressing that one-off or project-based trainings are not sufficient for developing stable institutional capacities. Interactive workshops and work on practical examples are singled out as the most desirable training format, confirming participants’ preference for methodology based on case studies and discussion of real legal dilemmas.

Responses also highlight the expectation that improved knowledge of EU law can contribute to greater efficiency of judicial proceedings. Respondents link better understanding of European legal standards with accelerating proceedings, greater legal certainty and reducing the need to initiate proceedings before the CJEU. This finding indicates that trainings are not perceived exclusively as individual professional development, but as a mechanism for improving the functioning of the judicial system as a whole.

Additionally, responses emphasise the need to deepen professional knowledge and gain practical experience, particularly regarding understanding the procedure of litigation before the CJEU. Respondents stress the importance of detailed familiarisation with procedural aspects, which confirms the need for trainings integrating substantive and procedural dimensions of EU law.

Overall, the survey results indicate a clear orientation towards a practice-based, continuous and institutionally supported training model, which would enable gradual strengthening of judicial capacities for future application of EU law and cooperation with the CJEU.

Annexes

Attachments:

Focus group guide with holders of judicial functions (Annex I)

Mass questionnaire for employees in the judiciary – examining attitudes towards litigation before the Court of Justice of the EU (Annex II)

Annex I

I. INTRODUCTORY QUESTIONS – CONTEXT AND EXPERIENCE

1. In which situations have you, in your work so far, encountered European Union law or CJEU case law?
2. Would you say that such cases in your practice appear:
 - sporadically,
 - in certain “typical” matters,
 - or increasingly often?
3. In which areas (labour, commercial, criminal, administrative law) does EU law most often come into contact with national procedure?

II. CJEU CASE LAW IN NATIONAL PROCEEDINGS

4. How, in practice, does invoking CJEU judgments occur:
 - at the initiative of parties,
 - ex officio by the court/prosecution,
 - or exceptionally?
5. Do you have the impression that CJEU case law:
 - is used substantively,
 - or is often cited formally, without deeper analysis?
6. What difficulties do you face when interpreting CJEU judgments (language, length, context, different legal system)?

III. PRELIMINARY RULING (Art. 267 TFEU) – PERCEPTIONS AND OBSTACLES

7. How do you perceive the preliminary ruling procedure:
 - as a useful tool,
 - as a procedural burden,
 - or as an “exception” that is rarely applied?
8. Is there, in practice, a certain reservation or fear regarding submitting a request for a preliminary ruling? If yes – why?
9. What do you consider the greatest practical obstacle to submitting a request for a preliminary ruling:
 - length of the procedure,
 - formal requirements,
 - lack of experience,
 - absence of institutional support?
10. Based on your experience, is the role of higher courts (or the supreme court) encouraging or limiting when it comes to communication with the CJEU?

IV. ROLE OF THE PROSECUTION AND COURTS – DIFFERENCES IN PERSPECTIVE

11. How do you see the role of the prosecution in cases that include EU law:
 - as an active actor in legal reasoning,
 - or primarily as a party to the proceedings?
12. Is there sufficient awareness of CJEU standards relating to:
 - independence of the prosecution,
 - effective judicial protection,
 - procedural rights of parties?
13. In your opinion, are judges and prosecutors equally covered and included in existing trainings on EU law?

V. TRAININGS – EXPERIENCE AND ASSESSMENT

14. What has been your previous experience with trainings on EU law and the CJEU?
15. Were those trainings:
 - too theoretical,
 - insufficiently adapted to national practice,
 - or useful and applicable?
16. What was missing the most in previous trainings:
 - work on concrete cases,
 - simulation of the procedure,
 - clear guidance “when and how” to apply EU law?

VI. TRAINING NEEDS – KEY TNA SEGMENT

17. Which topics would you single out as priority for future trainings (e.g., preliminary rulings, state liability, EU labour/commercial law)?
18. Do you consider it necessary to have:
 - continuous monitoring of CJEU case law,
 - or ad hoc trainings when a problem appears in practice?
19. Which training format would be most useful to you:
 - interactive workshops,
 - mixed groups of judges and prosecutors,
 - case studies from Serbia?

VII. FINAL SYNTHETIC QUESTION

20. In your opinion, what would have to change in the institutional and educational framework in order for national courts and prosecution offices to be ready for effective handling of cases that include EU law and the CJEU?

METHODOLOGICAL NOTE

These questions are designed to:

- encourage open and critical discussion,
- identify structural and psychological barriers,
- provide direct input for designing future trainings, in line with guidelines and experiences from new EU Member States.

Annex II

I. GENERAL DATA (ANONYMOUS)

Function:

- judge
- public prosecutor

Court / prosecution office:

- basic / higher
- appellate
- supreme level

Field in which you predominantly act (multiple answers possible):

- civil/litigation law
- labour law
- commercial law
- criminal law
- administrative law

Years of service in the judiciary:

- up to 5
- 5-10
- 10-20
- over 20

II. EXPERIENCE WITH EU LAW AND CJEU CASE LAW

Have you, in your work, encountered:

- a) application of EU directives
- b) invoking CJEU case law
- c) referring (or considering referring) a request for a preliminary ruling

- yes, multiple times
- once-twice
- only theoretically
- never

In which types of cases was this most frequent?

- labour disputes
- commercial disputes
- criminal cases with an EU element
- other (specify): _____

III. ATTITUDES TOWARDS PROCEEDINGS BEFORE THE CJEU

(Likert scale: 1 – strongly disagree / 5 – strongly agree)

The preliminary ruling procedure is:

- a) clear and understandable
- b) practically applicable in our procedural framework
- c) useful for improving the quality of decisions

National courts/prosecution offices have:

- a) sufficient institutional support for communication with the CJEU
- b) sufficient time in proceedings to analyse EU law
- c) adequate translation and research resources

In practice there is:

- certain reservation towards submitting requests for preliminary rulings
- fear of “error” or formal incorrectness
- insufficient awareness of the obligation/possibility to submit a request for a preliminary ruling

IV. SELF-ASSESSMENT OF KNOWLEDGE (CJEU LITIGATION SKILLS)

Assess your level of knowledge (1 – insufficient / 5 – excellent):

Basics of EU law (sources, direct effect, supremacy)

Competences of the CJEU

Preliminary ruling procedure (Art. 267 TFEU)

Formulating a request for a preliminary ruling

Role of the national court after a CJEU judgment

Difference between the CJEU and the ECtHR

Role of the prosecution in proceedings with an EU law element

V. PRACTICAL DIFFICULTIES (KEY TNA SEGMENT)

What represents the greatest obstacle for you in applying CJEU case law?

- insufficient practical examples
- complex language of judgments
- lack of systematised guidelines
- misalignment of national procedural law
- lack of time
- other: _____

Are you familiar with national or internal guidelines for:

- formulating a request for a preliminary ruling
- handling “EU-sensitive” cases
- monitoring CJEU case law

(if yes – which?): _____

VI. TRAINING NEEDS

Which topics do you consider priority for training? (choose up to 5)

- practical workshop on preliminary rulings
- analysis of concrete cases from Serbia
- role of the CJEU in labour law
- role of the CJEU in commercial/insolvency law
- state liability for breach of EU law
- role of the prosecution and independence standards
- drafting judicial decisions in line with EU law

Preferred training format:

- interactive workshops
- case studies
- joint trainings of judges and prosecutors
- mentoring / clinical approach
- online + in-person (mixed)

VII. FINAL OPEN QUESTION

In your opinion, what would be the most important practical outcome of good training on litigation before the CJEU for the work of national courts/prosecution offices?

6. TRAINING ACTION PLAN AND LOGICAL FRAMEWORK MATRIX

Strengthening Judicial Capacities for Litigation before the Court of Justice of the European Union (CJEU)

Republic of Serbia –
TNA-Based Implementation Framework

6.1. Strategic Background and TNA Evidence Base

The European integration process of the Republic of Serbia requires progressive strengthening of judicial capacities for the effective application of European Union law. Following accession, national courts will become decentralised EU courts responsible for ensuring the uniform application of EU law and cooperation with the Court of Justice of the European Union (CJEU), particularly through the preliminary ruling procedure under Article 267 TFEU.

Findings from the Training Needs Assessment (TNA) demonstrate that encounters with EU law remain sporadic and that EU law is predominantly perceived as a future rather than operational legal framework. This Training Plan translates TNA findings into a structured programme aimed at developing operational judicial competence.

This Training Action Plan is fully grounded in the findings of the Training Needs Assessment (TNA) on litigation before the Court of Justice of the European Union (CJEU).

The TNA identified structural, methodological and institutional gaps affecting the readiness of judges, prosecutors and judicial staff to apply EU law effectively. Key findings include:

- Sporadic encounters with EU law in judicial practice.
- EU law perceived primarily as a future rather than operational legal framework.
- Formal citation of CJEU case law without substantive analytical integration.
- Lack of methodological skills for interpreting CJEU judgments.
- Limited understanding of the preliminary ruling procedure under Article 267 TFEU.
- Fear of procedural mistakes when interacting with the CJEU.
- Lack of institutional guidance, translations and research tools.
- Overly theoretical previous trainings lacking practical application.
- Strong demand for continuous, practice-oriented training.
- Need for joint training of judges and prosecutors.
- Lack of sustainable national trainer capacity.
- These findings form the analytical basis for all proposed activities in this Action Plan.

6.2. Overall Objective

To ensure operational readiness of the Serbian judiciary for the application of EU law and future participation in proceedings before the Court of Justice of the European Union through a structured, continuous and practice-oriented training system integrated into the Judicial Academy framework.

6.3. Specific Objectives

- Transform EU law from theoretical knowledge into operational judicial practice.
- Develop competence in identifying EU-law elements in domestic cases.
- Strengthen interpretation and application of CJEU jurisprudence.
- Enable judges to confidently assess when a preliminary ruling is required.
- Reduce institutional hesitation and fear related to CJEU procedures.
- Improve cooperation between courts and prosecution offices.
- Establish permanent institutional training capacity.
- Ensure long-term sustainability through national trainers.

6.4. Institutional Framework

Programme Lead: Judicial Academy of the Republic of Serbia.

Institutional Partners: Ministry of Justice, Supreme Court, High Judicial Council, State Prosecutorial Council, Republic Public Prosecutor's Office, EU Agency for Fundamental Rights (FRA), European Judicial Training Network (EJTN), and judicial training institutions of EU Member States.

Implementation Period: 2026–2028.

6.5. Training Needs Derived from TNA Findings

The following needs were explicitly identified:

A. Knowledge Needs

- Fundamentals of EU legal order and sources of law.
- Supremacy and direct effect in domestic adjudication.
- Relationship between EU law and national procedural autonomy.
- Distinction between CJEU and ECtHR jurisprudence.

B. Skills Needs

- Reading and interpreting CJEU judgments.
- Legal reasoning aligned with EU standards.
- Drafting requests for preliminary rulings.
- Structuring judicial decisions using EU-law arguments.
- Identifying EU-law triggers in domestic disputes.

C. Institutional Needs

- Practical guidelines and templates.
- Translation and research support.
- Continuous monitoring of CJEU case law.
- Mixed professional training environments.

D. Psychological and Professional Needs

- Reducing fear of procedural error.
- Increasing confidence in EU-law application.
- Encouraging proactive judicial engagement with EU law.

6.6. Methodology and Training Approach

The programme applies a competence-based and practice-oriented methodology derived directly from TNA findings.

- interactive workshops instead of lecture-based learning;
- simulation-based exercises;
- case-study analysis using domestic cases;
- peer learning in mixed judge–prosecutor groups;
- drafting exercises and peer review;
- mentoring by EU Member State practitioners;
- blended learning through LMS modules.

The approach combines theoretical grounding with experiential learning aimed at developing operational judicial skills.

6.7. Structure and Thematic Areas of Training

Module 1 – EU Law as Operational Law

Objective of the module:

The objective of this module is to enable participants to understand EU law as an operational legal framework applicable in judicial reasoning.

Content:

- Sources of EU law and judicial application;
- Supremacy and direct effect in domestic adjudication;
- Relationship between EU law and national procedural autonomy.

Module 2 – Methodology of Interpreting CJEU Judgments

Objective of the module:

The objective is to strengthen competence in analysing and integrating CJEU jurisprudence into domestic decisions.

Content:

- Teleological interpretation;
- Identifying ratio decidendi;
- Integrating CJEU reasoning into national judgments;
- Distinction between CJEU and ECtHR jurisprudence.

Module 3 – Preliminary Ruling Procedure (Core Module)

Objective of the module:

To develop procedural confidence and practical competence in applying Article 267 TFEU.

Content:

- Article 267 TFEU obligations;
- CILFIT doctrine;
- acte clair and acte éclairé;
- drafting requests for preliminary rulings;
- simulation exercises and peer review.

Module 4 – Institutional Cooperation and Prosecutorial Role

Objective of the module:

To clarify institutional roles and strengthen coordinated application of EU law.

Content:

- Effective judicial protection;
- procedural guarantees;
- joint judicial-prosecutorial reasoning;
- institutional coordination.

Module 5 – Practical Case Laboratory

Objective of the module:

To transform theoretical knowledge into applied judicial skills through case-based exercises.

Content:

- Applied exercises using Serbian cases with EU-law elements;
- Drafting judicial decisions;
- Structured legal reasoning workshops.

Module 6 – Sectoral Application of EU Law

Objective of the module:

To familiarise participants with sector-specific intersections between EU and national law.

Content:

- Public procurement;
- Competition law;
- Asylum and migration;
- Labour law;
- Commercial and insolvency law;
- EU criminal standards.

Module 7 – Monitoring and Research Skills

Objective of the module:

To develop sustainable monitoring practices for EU law developments.

Content:

- Monitoring CJEU case law;
- Use of EU legal databases;
- Institutional knowledge-sharing mechanisms.

Module 8 – Training of Trainers (ToT)

Objective of the module:

To establish a sustainable national pool of EU-law trainers.

Content:

- Development of national trainer pool;
- Sustainability of EU-law education;
- Integration into Judicial Academy curriculum.

6.8. Activity Plan

The training programme will be implemented through sequential phases ensuring gradual institutional capacity development.

Phase	Activities	Outputs	Expected Results
Phase 1 – Preparation	Curriculum development, trainer selection, material preparation	Training curriculum, manuals	Operational training framework established
Phase 2 – Core Training	Implementation of Modules 1–3	Trained participants	Improved EU law understanding
Phase 3 – Specialisation	Sectoral modules and simulations	Advanced competencies	Practical judicial application skills strengthened
Phase 4 – Sustainability	Training of Trainers and institutional integration	Certified trainers	Sustainable national training system

6.9. Target Group

- Judges of all court levels;
- Public prosecutors;
- Judicial assistants and advisers;
- Administrative and commercial court judges.

Estimated coverage: 500–700 participants.

6.10. Institutional Responsibilities

- Judicial Academy – Programme management and delivery.
- Supreme Court – Strategic judicial alignment.
- High Judicial Council – Institutional coordination.
- State Prosecutorial Council – Prosecutorial participation.
- Ministry of Justice – Policy support and integration.
- EU Experts – mentoring and initial programme delivery.

6.11. Expected Outputs

- 500–700 trained judicial professionals.
- Practical handbook on preliminary ruling procedure.
- Templates for drafting requests to the CJEU.
- National database of EU-law training materials.
- Certified national trainer network.
- Integrated Judicial Academy curriculum.

6.12. Expected Outcomes

Short-term:

- Increased confidence and methodological competence.

Medium-term:

- Increased substantive use of CJEU jurisprudence.
- Improved reasoning quality in judgments.

Long-term:

- Institutional readiness for EU accession obligations.
- Reduced risk of Member State liability for failure to refer.

6.13. Monitoring and Evaluation Framework

Indicators include:

- Pre/post training knowledge assessments.
- Simulation performance evaluations.
- Increase in EU-law references in judgments.
- Participant confidence surveys.
- Institutional readiness index measured annually.

6.14. Sustainability

- Creation of national EU-law knowledge database;
- Development of practical handbook on preliminary rulings;
- Establishment of judicial contact-point network;
- Periodic refresher trainings and webinars.

6.15. Conclusion

This Training Plan operationalises TNA findings by establishing a structured, continuous and practice-oriented system of judicial training. Its implementation will support the transformation of EU law into an operational component of judicial reasoning and strengthen institutional readiness of the Serbian judiciary for participation in the EU legal order.

6.16. Logical Framework Matrix (LogFrame)

Intervention Logic	Indicators	Means of Verification	Assumptions/Risks
Overall Objective	Operational EU-law application by judiciary	Judgment analysis reports	EU accession continuity
Specific Objective	Increase in preliminary ruling readiness	Simulation assessments	Institutional cooperation maintained
Output	700 trained participants	Training records	Adequate funding
Outcome	Improved judicial reasoning quality	Independent evaluations	Policy stability
Impact	Judiciary aligned with EU legal order	EU progress reports	Sustained reform commitment

