

CALL FOR EXPERTS
Judicial training on the EU *acquis* in the field of commercial law

<u>Project:</u>	Pilot Action on Judicial Training IPA/2021/425-032 (Western Balkan II Project)
<u>Purpose:</u>	Design and implementation of a training for a group of judicial professionals interested in specialising in training on EU commercial law in Serbia
<u>Training institution:</u>	Judicial Academy of Serbia
<u>Location:</u>	Serbia and Homebased
<u>Duration:</u>	8 working days - 15 March 2024 to 31 July 2024
<u>Number of experts:</u>	2 (two)
<u>Reporting to:</u>	Project Leader, Mr. Giovanni Pasqua Project Manager, Ms. Vanja Tekic
<u>Deadline for applications:</u>	Thursday, 15 February 2024 – 17:00 CET
<u>Reference Number:</u>	WB/2024/01 – TOEECOM

I. Project Background:

The Project was launched in March 2022 for a period of three years. It is implemented within the “IPA II Multi-country Action Programme 2020” and benefits from the financial support of the European Commission’s Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR).

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The main goal of the Project is to strengthen the capacities of the judicial training institutions in the Western Balkans for delivery of effective and efficient judicial training to judges and prosecutors on the EU *acquis*, including on the rule of law, with a view to support the enlargement and stabilisation and association process, as well as the Western Balkan Strategy of the European Union.

The Project works across two closely related components. The first component, which identifies the Serbian Judicial Academy (JA) and the Montenegrin Centre for Training in Judiciary and State Prosecution (CTJSP) as the primary beneficiaries of the action, aims to strengthen the already-existing capacities of these institutions to conduct training needs assessments (TNAs) on the EU *acquis*, and therefrom design and implement training on EU law at the national level. The second component facilitates participation of representatives from all Western Balkan IPA II beneficiaries to EJTN events, and specifically targets members of the judiciary who can successfully strengthen institutional ties among the Western Balkan judicial training schools and their EU peers.

The present call seeks out judicial training experts (judges and/or judicial trainers) from European Union Member States who will assist with the implementation of the first component of the Project.

More information about the Project can be found on the EJTN website: www.ejtn.eu

II. Scope of the Call

Under direct supervision of the Project Leader and the Project Manager, the Experts will contribute to the achievement of Outcome 1. and Output 1.1., as specified in the Description of Action:

- Outcome 1. – The Serbian Judicial Academy (JA) effectively delivers strong, adequate, and efficient judicial training to judges and prosecutors, mainly on EU *acquis*.
- Output 1.2. – JA is able to design, deliver, implement and evaluate strong training programmes on EU *acquis* for judges and prosecutors.

In 2022, a training needs assessment (TNA) on the EU *acquis* was conducted in Serbia within the framework of the Project. More information about the training needs assessment process and

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results can be found here: <https://ejtn.eu/news/ejtn-releases-training-needs-assessment-reports-providing-new-insights-for-better-eu-law-training-in-the-western-balkans/>

The TNA provided a foundation for the design and development of the EU law training program which will be implemented in 2024 by the Judicial Academy of Serbia, and consists of 5 face-to-face seminars and 1 online training.

The following seminars are included in the Program:

1. Training of Experts on EU law (TOEE) – Criminal Law
2. Training of Experts on EU law (TOEE) – Civil Law
- 3. Training of Experts on EU law (TOEE) – Commercial Law**
3. Training of Experts on EU law (TOEE) – Administrative Law
5. Training of Experts on EU law (TOEE) – EU Charter of Fundamental Rights
6. Roadmap on EU law e-Course

The overall aim of the program is to strengthen JA's capacities to continue to develop seminars on EU law and embed considerations of EU law in its continuous and initial training offer. To that end, the program targets judicial professionals who are willing and able to support JA to develop a cohesive strategy for training on EU law; identify the right priorities and sequence of training provision during the EU accession process, and create relevant and effective courses which draw meaningful parallels between domestic and European law in the field of specialization. **At the end of the program, JA should be able to rely on a core group of trainers specialised in EU law who can continue to lead the process of training in this area.**

The program also aims to foster the establishment of quality criteria for EU law training and provide JA with the necessary tools to avoid inconsistent, *ad hoc* training provision and variations in quality. To that end, each seminar will adopt a common approach, ensuring that participants receive not only knowledge and skills on the subject-matter, but best-practice guidelines and methodologies for developing future training on EU law. The exact modality of training is described in more detail in section III. Training Description.

Each seminar will be designed and carried out jointly by domestic judicial trainers from Serbia and leading experts from EU Member States (judges and/or judicial trainers) with vast experience in training in the area of EU law. Each seminar will be implemented over 1½ days and target a group of 20 participants. The training will be implemented in Serbia, in the Serbian language, with simultaneous interpretation provided by the Project.

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The present call seeks out 2 (two) judicial training experts from EU Member States who will assist with the design and implementation of the seminar “Training of Experts on EU law – Commercial Law” in the Republic of Serbia.

III. Training Description

The Training of Experts on EU Commercial Law should improve participant’s knowledge of EU legal instruments and jurisprudence of the Court of Justice of the European Union (CJEU) in the field of commercial law, and develop skills needed to find relevant sources of EU law and design and implement interactive training (hypothetical case studies and judicial reasoning workshops).

The training should balance out the need to establish a basic level of understanding of the commercial law field in the EU and keep the training interactive through in-depth discussion of case law on one or more of the below-mentioned sub-topics. The former is needed to give direction for future development of EU law courses at the JA and provide context for active participation during workshops, while the later ensures that the training addresses immediate training needs and provides valuable resources and practical examples for resolution of judges’ daily tasks.

The training will therefore first provide a **big picture overview of the commercial law EU *acquis*** - the evolving role of European agencies and judicial cooperation mechanisms (institutional framework, tools and instruments), key legislation and landmark decisions regarding EU common standards of procedure for commercial disputes, and harmonization of substantive provisions of commercial law in the EU (corporate governance; formation, operation and insolvency of companies; corporate finance regulation, including competition law). The training will not provide a detailed description on each subject, but rather serve as a roadmap for planning of ongoing training on EU law.

Participants will then be asked to partake in **three practical workshops** with reference to one or more of the above-mentioned topics. In the workshops, the participants will examine the legal instruments and jurisprudence of the Court of Justice of the European Union in more detail in the specific area(s) of specialisation.

The three practical workshops include the following:

1. Case studies workshop - how to prepare a hypothetical case study for EU law training;
2. Judicial reasoning workshop - how to prepare a judicial reasoning workshop for EU law training;

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3. EU legal research workshop - How to access and use EU legal instruments and CJEU jurisprudence.

Target Group: Judicial Trainers in Serbia

Training Duration: 1,5 days

IV. Scope of the Work

Each Expert will work for 8 days, during which (s)he will conduct 2 two-day missions to Serbia (1 for design and 1 for implementation).

During the assignment, the Experts will lead the process of design and implementation of the training and provide necessary supporting materials (e.g., Regulations, Directives, jurisprudence of the Court of Justice of the European Union, relevant national case law and good practices from EU Member States, materials for training on judicial skills and judicial training methodologies, and any other written content needed to implement the training, such as assignment forms, evaluation forms, etc.).

Experts will work jointly with domestic trainers on elaborating quality written content which can be reused and made available for wider distribution by the JA. The training materials should incorporate modern e-learning techniques which make learning unexpected and engaging and enable participants to evaluate their progress (e.g., pre- and post- multiple-choice module testing, branched scenarios).

Experts will also support national judicial trainers to adapt the seminar to the national legal environment and discern priorities from the above-mentioned subtopics to be covered in the practical workshops. Each seminar will be tailored to the Serbian judicial and legal system and consider the status of the EU integration process in this country.

V. Main Tasks and Responsibilities:

- Support JA and the appointed national judicial trainers in Serbia to design the seminar “*Training of Experts on EU law (TOEE) – Commercial Law*”, and to that end, be responsible for the content development, including the substantive legal content and the methodological and andragogical aspects of training design;

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- Work closely with the national trainers in Serbia to tailor the training content to the domestic legal environment and judicial culture, especially taking into account the approximation of national law to the EU *acquis* and the immediate training needs of judges in Serbia;
- Support national trainers to prioritize the sub-topics of training from the list of legal subjects identified during the 2022 training needs assessment, and, if necessary, review documents and/or conduct additional interviews to prioritize the legal content and maximise the impact of the training;
- Provide state-of-the-art expertise on judicial training, including best approaches to design of case studies, judicial reasoning, legal research and other practical workshops for adult learning;
- Together with the national trainers, co-create a well-documented and comprehensive training package, including assignments and examinations for evaluating participants' progress, and ensure that such materials are compatible with self-paced online learning. For example, the training materials: 1) divide content into logically defined sections or modules, which contain both lecture style material designed to transfer new concepts or “know how” to the learner and exercises designed to encourage “learning by doing”, 2) facilitate and enable the use of modern techniques for learning, such as branched scenarios¹, which make learning unexpected and engaging, 3) enable participants to evaluate their progress, most commonly through multiple-choice pre- and post- module testing, and 4) include a range of media, to keep learners engaged with the content while learning in isolation;
- Participate in the development of video or audio training materials by the Project, especially by recording presentations; and/or review such content to ensure accuracy and compatibility with training objectives;
- Present lecture materials and facilitate workshops on judicial training during the seminar which will be held in Serbia from June to July 2024;
- Consider the target audience throughout the assignment and, to that end, adjust training content and lecture style to reflect the level of seniority, knowledge and skills of the participants;
- Review and apply EJTN and other relevant judicial training standards throughout the assignment; and
- Report regularly on the progress made and difficulties encountered to the Project Leader and Project Manager.

¹ Branched scenarios use real-life examples to display content and test knowledge of learners by challenging them to make a decision - new situations and choices are then presented based on the preceding decision made by the learner. Branched scenarios teach learners about the immediate consequences of their decisions and reactions.

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VI. Deliverables

- Training package, including well-documented written materials covering the roadmap on EU law in the field of commercial law and three training workshops on chosen sub-topics as described above in *sections III. Training Description, IV. Scope of Work and V. Main Tasks and Responsibilities*;
- Post-event reports with conclusions and recommendations for further actions on the basis of a model to be provided by the Project Leader and Project Manager.

VII. Eligibility Criteria:

Essential:

- Judge and/or judicial trainer from an EU Member State with proven practical experience in design and implementation of judicial training in the field of EU commercial law;
- Holistic and in-depth knowledge of European integration in the field of commercial law, including a thorough understanding of the evolving role of European agencies and judicial cooperation mechanisms, common standards of procedure and harmonization of substantive law provisions in the EU for commercial disputes;
- Practical experience of working on one or more of the following sub-topics as a trainer or judge: judicial cooperation in commercial matters; corporate governance; formation, operation and insolvency of companies; corporate finance regulation, including competition law.
- In-depth, state of the art knowledge of judicial training methodologies and judicial training on the EU *acquis*;
- Excellent communication skills and ability to transfer knowledge to others; and
- Excellent written and oral command of English.

Advantageous:

- Knowledge of and/or experience applying EJTN's handbooks, guidelines and principles on judicial training and evaluation;
- Experience in capacity building projects, adaptation of EU law training to EU candidate countries and/or identification of priorities and sequence of training provision during the EU accession process; and
- Knowledge and experience of the Serbian judicial system and/or Serbian language.

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VIII. Duration of Assignment

It is expected that the assignment will commence by 15 March 2024.

Each Expert will work for a period of 8 working days on the design and implementation of the training, until 31 July 2024.

The exact dates of the visits to Serbia are to be confirmed after Experts' appointment and in agreement with the Judicial Academy of Serbia and national judicial trainers.

IX. Location

Home-based (4 working days) with travel to Serbia (4 working days, 2 two-day missions).

X. Remuneration

The Experts will receive expert fees charged on a per working day basis of 360€ for services rendered, and travel and subsistence allowances (per diems) for participation to meetings abroad in accordance with the EJTn scheme.

More information about the EJTn scheme can be found here: <https://ejtn.eu/wp-content/uploads/2023/02/EJTn-Corporate-Financial-Policy-2023-2.pdf>

XI. Application Rules / Selection process

All interested applicants are hereby invited to send their applications via email to vania.tekic@ejtn.eu no later than the **15 February 2024** – 17:00 CET.

The subject of the email should include the reference to this call (WB/2024/01 – TOEECOM), followed by the candidate's surname.

The application needs to contain the following:

- Letter of interest; and
- CV outlining relevant knowledge and experience.

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Applicants should indicate if they have any significant schedule restrictions in the period from 15 March 2024 to 31 July 2024 which may restrict their ability to travel to Serbia.

All submitted applications will be assessed against the eligibility criteria described in Section VII.

The shortlisted candidates will be invited to participate in interviews, which will be held from February to March 2024.

The contract will be awarded to the most suitable Experts for the position based on the knowledge, skills and expertise as demonstrated in the selection process.

Candidates will be informed about the outcome of the appointment in March 2024.

XII. Code of Conduct and Disclaimers

The applicant once appointed shall work as an Expert of the Project and present themselves as such in his or her professional capacity when dealing with matters related to the Project. This should also be reflected in any communication, publication, article, interviews, or whenever his or her name is mentioned. In all written articles, papers, interviews, publications, etc. the usual disclaimer shall appear as follows: *“The contents and views expressed herein reflect only those of the expert(s) and the European Commission is not responsible for any use that may be made of these contents and views”*.

The advice provided to the project partners will be non-prescriptive. Against this background, the Expert will avoid giving the impression that the provided advice represents the perceptions of the European Union, the European Commission or EJTN.

The Expert shall strictly consider the following confidentiality rules: No information or advice stemming from or relating to the assignment is to be communicated to any other organisation(s) or individual(s) without prior consent of the EU Commission and EJTN. No public statement or presentation is to be made without prior agreement with the European Commission and EJTN.

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