

EUROPEAN COMMISSION
DIRECTORATE-GENERAL XV
INTERNAL MARKET AND FINANCIAL SERVICES

Director-General

Brussels, 10.10.94

Ref. PvA

XV/E/1

Dear Sir or Madam,

European Community law is coming more and more to influence day-to-day activities in ever-wider fields.

Nevertheless, it remains a little-known instrument that is under-used by lawyers in the Member States of the European Union.

The failure of lawyers to deploy this instrument arises principally from a lack of training and information.

In order to help members of the legal professions develop a feeling for when their work has a Community dimension, the European Commission will offer from 1995 well-focused initiatives to improve lawyers' training and the information made available to them in the field of Community law.

These initiatives will be designed once lawyers' difficulties and requirements in this area have been more clearly identified. The European Commission has therefore decided to conduct a sample survey among lawyers in each Member State, asking them to specify the nature and extent of their needs.

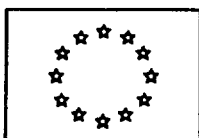
To ensure that the research is wholly objective and independent, the survey and analysis of the replies will be carried out by EOS-GALLUP-EUROPE, a network of 12 research and opinion-poll institutes in the Member States of the European Union.

By replying to the questionnaire you will be sent tomorrow, you will be contributing to a useful exercise that will benefit members of the legal profession in your country.

I trust that you will be able to help us in this enterprise and give your full attention to the questionnaire.

Yours faithfully,


J.F. MOGG



COMMISSION OF THE EUROPEAN COMMUNITIES
DIRECTORATE GENERAL XV
Internal Market and Financial Services
Director-General

**Questionnaire on Training
and Information of Lawyers in
European Community Law**



COMMISSION OF THE EUROPEAN COMMUNITIES
DIRECTORATE GENERAL XV
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LAYOUT OF QUESTIONNAIRE

INTRODUCTION: LAWYERS AND EUROPEAN COMMUNITY LAW

I. TRAINING OF LAWYERS IN EUROPEAN COMMUNITY LAW

- A. Initial training**
- B. Continuing training**

II. INFORMATION AVAILABLE TO LAWYERS ON EUROPEAN COMMUNITY LAW

- A. Access to information**
- B. Content of information**

CONCLUSION

Replies take three forms, depending on the type of question:

- (a) place a cross in the appropriate box(es);**
- (b) number your replies by importance or preference;**
- (c) give your reply in a few words or with a figure.**

There are very few question of types (b) and (c).

THESE QUESTIONS WILL PROVIDE US WITH A MORE FOCUSED VIEW OF THE RESULTS, WHILE MAINTAINING COMPLETE CONFIDENTIALITY FOR INDIVIDUAL REPLIES

(a) When did you qualify as a lawyer?

- ☐ - before 1965
- ☐ - between 1965 and 1969
- ☐ - between 1970 and 1974
- ☐ - between 1975 and 1979
- ☐ - between 1980 and 1984
- ☐ - between 1985 and 1989
- ☐ - after 1990

(b) In what town and region do you practise in?

.....

(c) How many lawyers work in your practice (yourself included)?

- ☐ - one
- ☐ - two or three
- ☐ - four or five
- ☐ - six or seven
- ☐ - eight or nine
- ☐ - ten or more

(d) What is your main field of activity?

- ☐ - no field takes priority over the others
- ☐ - my main field of activity is:

.....

(e) At what institutions (universities, etc.) did you receive your basic training?

.....

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INTRODUCTION: LAWYERS AND COMMUNITY LAW

1. On a day-to-day basis, do your professional activities involve Community law?

- ☐ - often
- ☐ - sometimes
- ☐ - almost never or never

2. If your professional activities never or almost never involve Community law:
is this because:

- ☐ - Community law does not affect the areas central to your practice?
- ☐ - Community law is too complicated or should be left to specialists?
- ☐ - it is difficult to find access to training or information in the field of Community law, or the information or training is inadequate?
- ☐ - the courts where you practise are not very responsive to issues of Community law?
- ☐ - other reasons:

.....

If your professional activities involve Community law sometimes or often,
is this because:

- ☐ - you are considered a specialist in Community law?
- ☐ - Community law forms a natural part of central areas of your practice?
- ☐ - Community law is relevant to the defence of your clients' interests?
- ☐ - other reasons:

.....

3. In general, would you say that recourse to Community law:

- ☐ - presents particular difficulties?
- ☐ - is simply difficult?
- ☐ - does not present any particular difficulties?

4. IF COMMUNITY LAW INVOLVES DIFFICULTIES OR PARTICULAR DIFFICULTIES,

why do these difficulties arise?

- ☐ - you are out of touch with many areas of Community law
- ☐ - you do not know how or where to find clear and up-to-date information on Community law

- ☐ - facilities providing comprehensive information on Community law (libraries, etc.) are lacking or poorly equipped
- ☐ - sources of information on Community law are too widely dispersed
- ☐ - you do not have access to any database on Community law
- ☐ - it is difficult to contact Community officials who might be able to provide information
 - the information to which you have access seems:
 - ☐ - obscure
 - ☐ - outdated
- ☐ - your difficulties arise for other reasons, namely:

.....

5. Do you rate your current knowledge of Community law as:

- ☐ - very good?
- ☐ - good?
- ☐ - average?
- ☐ - inadequate?
- ☐ - very inadequate?

6. Which of the following methods do you use to update your knowledge of Community law?

- continuing training organized by:
 - ☐ - a university or similar establishment
 - ☐ - a professional association (e.g. the Bar Council, Bar Associations, the Law Society, etc.)
 - ☐ - your own firm or chambers
 - ☐ - another firm or a private company providing training
- personal reading:
 - ☐ - recent books or manuals on Community law
 - ☐ - specialist Community-law journals
 - ☐ - the decisions of the EC Court of Justice or Court of First Instance
- information provided by:
 - ☐ - agencies of the European Commission (Euro-Info-Centres, Commission offices in the United Kingdom), the Commission itself, the EC Court of Justice, etc.
 - ☐ - a ministry (justice, foreign affairs, etc.)
- other methods:

.....

7. Do you encounter any of the following obstacles if you wish to improve your knowledge of Community law:

- ☐ - time constraints
- ☐ - financial constraints
- ☐ - difficulty in finding proper training

- ☐ - difficulty in finding satisfactory sources of information
- ☐ - other obstacles:

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I. TRAINING OF LAWYERS IN COMMUNITY LAW
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A. INITIAL TRAINING

8. As part of your university studies and your studies preparatory to qualifying as a lawyer, did you take a course in Community law?

- ☐ - yes: compulsory
- ☐ - yes: optional or supplementary
- ☐ - no, but a course was available
- ☐ - no, no course was available

IF YOU TOOK A COURSE IN COMMUNITY LAW AS PART OF YOUR UNIVERSITY OR PREPARATORY PROFESSIONAL STUDIES:

- (a) At what stage in these studies was the course taken?

- ☐ - in the first three years of university studies
- ☐ - as part of specialist studies
- ☐ - as part of the studies preparatory to your qualifying as a lawyer

- (b) Was the course:

- ☐ - a general introduction to Community law?
- ☐ - a specialised course on certain aspects of Community law?

- (c) When did you take this (these) course(s)?

- from 19[] to 19[] approximately

- (d) Was your success in qualifying as a lawyer conditional on passing an examination or test at the end of this (these) course(s)?

- ☐ - yes, fully
- ☐ - yes, partly
- ☐ - no

- (e) In view of your subsequent experience and practice, was your training in Community law:

- ☐ - appropriate

☐ - inappropriate because:
.....

9. With regard to current university courses, etc. and current training for the legal profession, what is your opinion on the following propositions?

(a) Community law should be:

- ☐ - taught as a separate course;
- ☐ - integrated into law-teaching as a whole.

(b) In each Member State of the European Union, a course in Community law should:

- ☐ - not be compulsory for qualifying as a lawyer
- ☐ - be compulsory for qualifying as a lawyer
- ☐ - should not be compulsory in order to become a judge
- ☐ - should be compulsory in order to become a judge

10. What is your opinion on the training in Community law currently given to persons wishing to qualify as lawyers in this country?

- the number of hours devoted to Community law is:

- ☐ - in general, inadequate
- ☐ - in general, appropriate
- ☐ - in general, excessive

- the number of universities offering genuinely specialist training in Community law is:

- ☐ - inadequate
- ☐ - appropriate
- ☐ - excessive

- the content of Community law teaching for would-be lawyers is:

- ☐ - in general, too theoretical
- ☐ - fairly well suited to the requirements of professional practice

- as regards the teaching of Community law for would-be lawyers, there should be:

- ☐ - an increase in the number of hours of compulsory teaching
- ☐ - no change in the present situation
- ☐ - a reduction in the number of hours of compulsory teaching

B. CONTINUING TRAINING

11. Since you began to practise as a lawyer, have you undergone any training (seminar, lecture, etc.) that provided an introduction or in-depth study of Community law?

- ☐ - yes, several times
☐ - yes, once
☐ - no, never

12. IF YOU HAVE NEVER UNDERGONE ANY TRAINING IN COMMUNITY LAW SINCE YOU BEGAN TO PRACTISE, is that because:

- ☐ - Community law does not affect the areas central to your practice?
☐ - Community law is a matter for specialists?
☐ - no time was available
☐ - the training was too expensive?
☐ - you do not know of any proper training in Community law
☐ - other reasons:

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13. IF YOU HAVE ALREADY UNDERGONE TRAINING IN COMMUNITY LAW SINCE YOU BEGAN TO PRACTISE

- (a) who provided this training?

- ☐ - a university or similar establishment

(specify:)

- ☐ - a professional association (Bar Council, Bar Association, Law Society, etc.)

(specify:)

- ☐ - your own firm, chambers, etc.

(specify:)

- ☐ - another grouping of lawyers (i.e. other chambers or another firm) or a private training company

(specify:)

- (b) Did this training meet your expectations?

- ☐ - yes, completely
- ☐ - yes, largely
- ☐ - more or less
- ☐ - no, not really
- ☐ - no, not at all

(c) What criticisms would you make in this regard?

- ☐ - inappropriate training methods
- ☐ - training too theoretical and unrelated to your needs
- ☐ - excessively long training, making it difficult to find time
- ☐ - poor value for money
- ☐ - other criticisms:

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14. Would you personally be interested in attending continuing training courses in Community law:

(a) if you had to pay for the courses:

- ☐ - yes, definitely, as an introduction or refresher course
- ☐ - yes, perhaps, as an introduction or refresher course
- ☐ - yes, definitely, as further training
- ☐ - yes, perhaps, as further training
- ☐ - definitely not

(b) if the courses were free:

- ☐ - yes, definitely, as an introduction or refresher course
- ☐ - yes, perhaps, as an introduction or refresher course
- ☐ - yes, definitely, as further training
- ☐ - yes, perhaps, as further training

15. IF YOU ARE INTERESTED IN COURSES OF CONTINUING TRAINING::

(a) At what times would you like them to take place?

- ☐ - during working time
- ☐ - in the evening, outside working time
- ☐ - at weekends or during holiday periods

(b) What form would you like them to take?

- ☐ - a course comprising not more than a few hours' study at a time
- ☐ - a course comprising not more than half a day's study at a time
- ☐ - a course comprising not more than one day's study at a time
- ☐ - a course comprising not more than two days' study at a time
- ☐ - a course covering several consecutive days of study

(c) What are the fields of Community law in which courses would be of most interest to you:

- ☐ - competition law
- ☐ - consumer law
- ☐ - environmental law
- ☐ - tax law
- ☐ - social law
- ☐ - agricultural law
- ☐ - public procurement and calls for tenders
- ☐ - right of establishment and free movement of services
- ☐ - free movement of goods and capital
- ☐ - freedom of movement for persons and human rights
- ☐ - budgetary matters, subsidy procedures
- ☐ - law applicable to Community institutions and decision-making procedures
- ☐ - proceedings before the Community courts
- ☐ - law applicable to trade with non-Member States
- ☐ - other fields of Community law:

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16. Do you consider that your local professional association attaches sufficient importance to continuing training in Community law for practising lawyers?

- ☐ - yes
- ☐ - no

17. Can you mention an initiative taken in the last few months by your professional association in order to improve lawyers' knowledge of Community law?

- ☐ - no
- ☐ - yes:

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18. In your opinion, which of the following is best placed to provide continuing training in Community law for lawyers at local level?

- ☐ - your local or national professional association

- ☐ - a university or similar establishment
- ☐ - a public-sector continuing training organization
- ☐ - a private-sector training organization
- ☐ - an association or network of specialist associations of lawyers
- ☐ - other professional association
- ☐ - a combination of several of the above, namely:

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- ☐ - other persons or organizations, namely:

.....

II. INFORMATION AVAILABLE TO LAWYERS ON EUROPEAN COMMUNITY LAW

A. ACCESS TO INFORMATION

19. Which of the following sources of information on Community law do you consult most often?

(if possible, number your answers in order of frequency of consultation)

- Paper-based sources:

- ☐ - Official Journal of the European Communities
- ☐ - Reports of Cases before the [EC] Court of Justice and the Court of First Instance
- ☐ - journals specialising in Community law
- ☐ - journals of a more general nature or those covering national law but containing information on Community law
- ☐ - books or manuals on Community law

- Computerised sources:

- ☐ - databases (such as CELEX)

- Contacts, etc.:

- ☐ - with Community officials
- ☐ - with national officials
- ☐ - with colleagues in your own practice or other practices
- ☐ - with libraries, etc.

- Other sources:

- ☐ - audio or video cassettes, CD-ROM
- ☐ - other:

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20. Are you satisfied with the paper-based and computerised sources of information on Community law?

- ☐ - yes, completely
- ☐ - yes, mostly
- ☐ - rarely
- ☐ - no, generally not
- ☐ - you do not use these information sources

21. Which of the following aspects of paper-based or computerised sources of information on Community law need to be improved?

- ☐ - regularity and intervals of updating
- ☐ - user costs
- ☐ - user-friendliness
- ☐ - thematic classification
- ☐ - clarity of presentation
- ☐ - practical usefulness of the information selected
- ☐ - other:

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22. Do you have difficulty in obtaining:

(a) EC directives or regulations (both old and recent)?

- ☐ - yes
- ☐ - no

(b) reports of cases before the [EC] Court of Justice and the Court of First Instance?

- ☐ - yes
- ☐ - no

(c) national legislation transposing or implementing Community rules?

- ☐ - yes
- ☐ - no

(d) Commission decisions or notices which are not published regularly?

- ☐ - yes
- ☐ - no

23. To improve access to information on Community law, which of the following sources should be promoted?

(if possible, number your replies in order of precedence)

- Paper-based sources:
 - ☐ - Official Journal of the European Communities
 - ☐ - Reports of Cases before the [EC] Court of Justice and the Court of First Instance
 - ☐ - journals specialising in Community law
 - ☐ - journals of a more general nature or those covering national law but containing information on Community law
 - ☐ - books or manuals on Community law
- Computerised sources:
 - ☐ - databases (such as CELEX)
- Contacts, etc.:
 - ☐ - with Community officials
 - ☐ - with national officials
 - ☐ - with colleagues in your own practice or other practices
 - ☐ - with libraries, etc.
- Other sources:
 - ☐ - audio or video cassettes, CD-ROM
 - ☐ - other:

.....

24. Would it be helpful to familiarise lawyers in your country with the sources of information on Community law that are currently available?

- ☐ - yes
- ☐ - no, not really
- ☐ - no
- ☐ - don't know

B. CONTENT OF INFORMATION

25. Which source of information on Community law do you use most often in your practice?

- ☐ - Community legislation published in the Official Journal of the European Communities
- ☐ - reports, summaries and analyses of legislation appearing in the press or specialist journals
- ☐ - draft Community legislation
- ☐ - judgments of the EC Court of Justice and Court of First Instance
- ☐ - reports, summaries and analyses of these judgments
- ☐ - communications and decisions by the Commission and the Council
- ☐ - other:

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26. Of this information, the aspects of most interest to you are the following aspects:

(if possible, number your replies in order of precedence)

- ☐ - competition law
- ☐ - consumer law
- ☐ - environmental law
- ☐ - tax law
- ☐ - social law
- ☐ - agricultural law
- ☐ - public procurement and calls for tenders
- ☐ - right of establishment and free movement of services
- ☐ - free movement of goods and capital
- ☐ - freedom of movement for persons and human rights
- ☐ - budgetary matters, subsidy procedures
- ☐ - law applicable to Community institutions and decision-making procedures
- ☐ - proceedings before the Community courts
- ☐ - law applicable to trade with non-Member States
- ☐ - other fields of Community law:

27. In your opinion, the information on Community law to which you have recourse is:

(a) clear:

- ☐ - yes, completely
- ☐ - yes, mostly
- ☐ - rarely
- ☐ - no, generally not

(b) specialist:

- ☐ - yes, completely
- ☐ - yes, mostly
- ☐ - rarely
- ☐ - no, generally not

(c) up to date:

- ☐ - yes, completely
- ☐ - yes, mostly
- ☐ - rarely
- ☐ - no, generally not

(d) accessible:

- ☐ - yes, completely
- ☐ - yes, mostly
- ☐ - rarely
- ☐ - no, generally not

28. In which field(s) do you currently experience difficulties in obtaining satisfactory information:

(if possible, number your replies in order of precedence)

- ☐ - competition law
- ☐ - consumer law
- ☐ - environmental law
- ☐ - tax law
- ☐ - social law
- ☐ - agricultural law
- ☐ - public procurement and calls for tenders
- ☐ - right of establishment and free movement of services
- ☐ - free movement of goods and capital
- ☐ - freedom of movement for persons and human rights
- ☐ - budgetary matters, subsidy procedures
- ☐ - law applicable to Community institutions and decision-making procedures
- ☐ - proceedings before the Community courts
- ☐ - law applicable to trade with non-Member States
- ☐ - other:

.....

- ☐ - no difficulties in obtaining satisfactory information in these fields

CONCLUSION

29. Knowledge of Community law among lawyers in your country is at present:

- ☐ - very good
- ☐ - good
- ☐ - average
- ☐ - inadequate
- ☐ - very inadequate

30. The costs involved in training lawyers and providing them with information in the field of Community law should be borne mainly by:

- ☐ - lawyers themselves
- ☐ - national governments
- ☐ - Community institutions
- ☐ - universities and similar establishments
- ☐ - lawyers' professional associations (Bar Council, Law Society, etc.)
- ☐ - associations promoting specialized initiatives

- ☐ - private companies providing training, publications, etc.
- ☐ - other agencies:

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31. Is it desirable that lawyers in your country should ultimately develop a feeling for when their work has a Community dimension?

- ☐ - yes, very desirable
- ☐ - yes, desirable
- ☐ - not really, it depends on the circumstances
- ☐ - no, not desirable
- ☐ - no, not at all desirable

32. IF YOU CONSIDER THE DEVELOPMENT OF SUCH A FEELING DESIRABLE what initiatives would you suggest be taken?

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TANK YOU FOR YOUR COOPERATION