



European
Commission



European judicial training 2018

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Printed in Belgium

European judicial training 2018

For the seventh time since the European Commission adopted the European judicial training strategy in 2011, this report provides an overview of judicial training on EU law among legal practitioners in the Member States. I am proud to note that **the target of training half of all legal practitioners on EU law between 2011 and 2020 has already been reached, two years ahead of schedule.**

Training on EU law is a shared responsibility, so the credit must also be shared. I can only thank Member States, national and EU training providers, and individual justice practitioners for their continuing commitment to and support for European judicial training.

Thanks to the efforts of all concerned, we again see an increase in the number of legal practitioners trained on EU law, which reached **a record level of over 180 000 in 2017**. The upward trend over the years confirms the relevance of judicial training when it comes to strengthening the EU area of justice. Ensuring that **national courts and justice professionals across the EU apply EU law in a consistent manner is the best way to enhance mutual recognition and trust**, and to bring home to business and citizens alike that they belong to the same EU area of freedom, security and justice. Moreover, the EU is a community not only of law, but also of values (including, above all, the rule of law). **Judicial training is proving effective in supporting the implementation of the values and principles underpinning our common legal system** and raising more and more practitioners' awareness of their important role in upholding the **rule of law** is of utmost importance.

However, it is not all about numbers and we should not ignore certain recurring issues: the situation remains uneven across the EU and across the various legal professions. While ongoing evaluation of the 2011 strategy shows that it is considered successful overall, there is still room for improvement.

First, we need to ensure that progress is **qualitative** as well as quantitative – better training should always be the ultimate goal. Also, we need not only to reach participants, but also to target their real needs. Identifying the needs of some practitioners, such as court staff, as regards training on EU law is still a challenge. Likewise, it is vital that we **remain flexible in responding to changing training needs and preparing practitioners to apply the whole range of EU legislation**. From civil, commercial or consumer law to the protection of fundamental rights and criminal law instruments, the sheer volume of new legislation is growing constantly. The General Data Protection Regulation, which entered into force this year, is a prime example of a landmark piece of legislation that needs to be applied correctly throughout the EU. Training is also a way of strengthening security and equipping justice professionals to respond effectively to terrorism, radicalisation, cyber-crime and challenges relating to migration and asylum. In addition, it can boost practitioners' understanding of how to combat money laundering and protect the EU's financial interests, and guide them on how to engage with new players such as the European Public Prosecutor. Finally, but importantly, we also have to think about potential new Member States and reflect on how to help them adapt smoothly to our legal environment. In tackling all these challenges, we must fully uphold the principle of subsidiarity.

The Commission will maintain its **commitment to judicial training, firmly convinced of its potential to consolidate the EU area of freedom, security and justice**. Our core task in the next year will be to carry out a robust evaluation of the current strategy and come up with recommendations for the future.

I encourage all of you to keep putting training at the top of your agendas and I hope you enjoy reading the 2018 report.



Věra Jourová
Commissioner for Justice, Consumers and Gender Equality

- In 2011, the European Commission set a target whereby **half of all legal practitioners** in the EU (i.e. 800 000 practitioners¹) should attend training on EU law or on the national law of another Member State by 2020; it undertook to fund such training for at least 20 000 legal practitioners a year;
- In 2017, more than **180 000 legal practitioners** received **training** on EU law or on the law of another Member State. With such **record numbers** over all seven years of the reporting exercise to date, the 2020 target has been surpassed this year, two years ahead of schedule;
- As in previous years, we can see an upward trend in the numbers of practitioners trained on EU law. This trend applies to differing degrees to the different professions. For judges and prosecutors, it seems to be quite consistent, while for court staff, lawyers and notaries there is more fluctuation from year to year. In this report, we give a more detailed breakdown by profession and by Member State;
- The reasons for the fluctuations in the numbers of trained professionals may vary and needs may evolve, but EU legislation and case law are still growing and practitioners need regular updates. Also, the success of the EU area of justice depends on effective judicial training;
- The EU **(co-)funded** training for **27 259 participants** in 2017, again meeting the Commission's annual training objective, thanks in particular to national measures that started in 2016 (which, under European Social Fund (ESF) rules, are reported for 2017);
- Despite the steady rise in numbers and the achievement of the quantitative objective ahead of schedule, all those involved in judicial training should maintain their efforts;
- **Considerable differences** remain in the level of participation in training across Member States and the various legal professions and better, more targeted training to answer real needs should always be the ultimate goal.

Objectives of this report

This is the seventh report on training for legal practitioners (judges, prosecutors, court staff, bailiffs, lawyers and notaries) on EU law or the national law of another Member State. It is based on the results of a questionnaire sent in 2018 to Member States' authorities, European networks of legal professionals and their national members, and the main EU-level providers of training for legal practitioners in 2017. It charts progress towards the target set by the Commission (in its 2011 [Communication Building trust in EU-wide justice: a new dimension to European judicial training²](#)) of ensuring that half (around 800 000) of all legal practitioners in the EU are trained on EU law or the law of another Member State by 2020; this is equivalent to an average of 5 % (80 000) of all practitioners per year. The objective was backed by the Justice and Home Affairs Council [in 2011](#) and again [in 2014](#), when the Member States underlined the importance of training for legal practitioners. The European Parliament has also been a constant supporter of European judicial training, as expressed in its [14 March 2012 resolution on judicial training](#).

¹ 2018 CEPEJ study on European judicial systems (2016 data): *Efficiency and quality of justice*; http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp

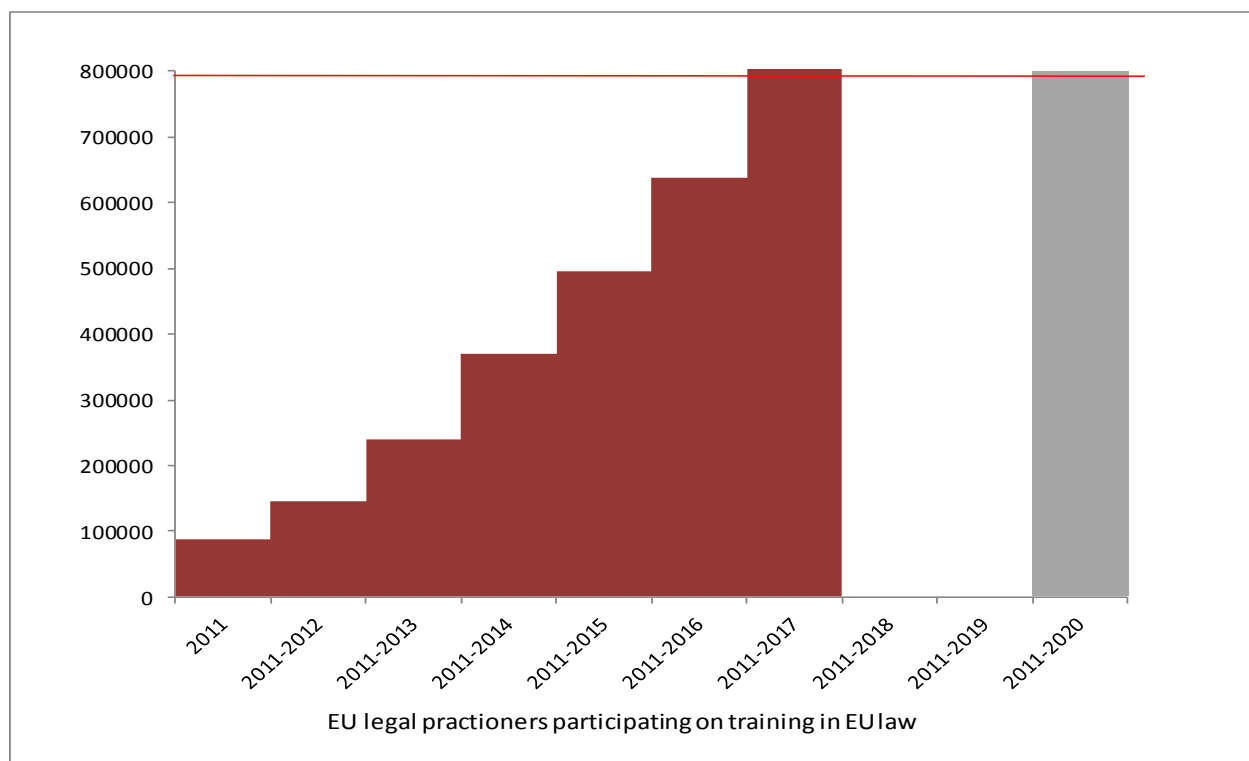
² COM(2011) 551 final.

Main results of the survey

Over 180 000 legal practitioners trained: 2020 target reached

In 2017, over 180 000³ legal practitioners (judges, prosecutors, court staff, lawyers, bailiffs and notaries) and their trainees took part in training activities on EU law or the national law of another Member State.

Over 44 000 practitioners were trained on EU law in the course of their initial training and 137 000 received continuous training⁴ on EU law.



For this seventh survey, data were available for slightly more national legal professions than in previous years. However, there is still room for improvement as regards the completeness of these data, in particular for initial training (especially by private providers). Also, data collection for court staff and bailiffs could be improved.

Towards 2020 and beyond

It is not always possible to explain why more or fewer members of a given profession have undergone this training, but here we set out general explanations where they are available. In some cases, the reasons may relate to aspects of data collection. Fluctuations for a given Member State or profession may reflect more or less participation or, in certain cases, just data gaps (e.g. where the scope of available data narrows from one year to the next). Available data from a Member State might relate only to certain training providers, regions or types of practitioner.

³ This figure is a lower estimate, due to some gaps in the data. The data are based on information from Member States, training providers and professional organisations and may be incomplete. In compiling the figures, we have taken account of respondents' statements that EU law had been covered in the training of all trainees or in all training activities, where these were accompanied by information on the length of time devoted to EU law or on the topics covered.

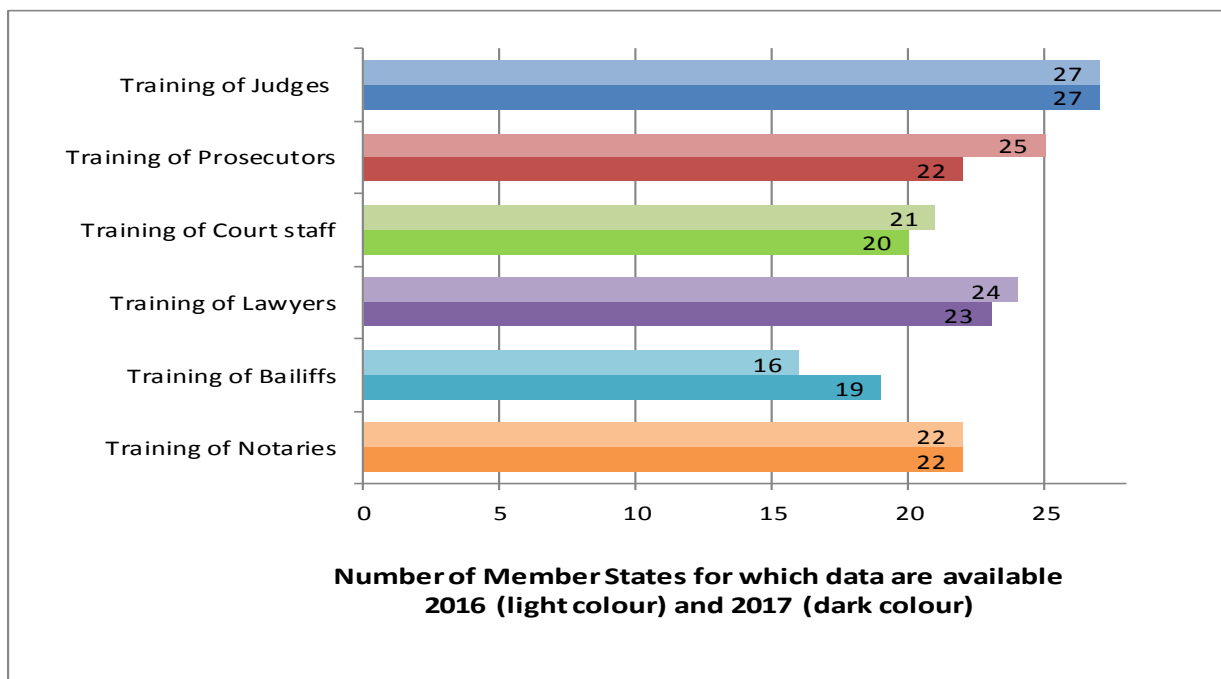
⁴ 'Continuous training' is training received after appointment as a fully qualified legal professional, excluding basic training immediately after appointment.

Data collection method and coherence of collected data

The Commission asked various bodies to collect data:

- the European Judicial Training Network (EJTN), for judges and prosecutors;
- Member States, for court staff;
- the Council of Bars and Law Societies of Europe (CCBE) and the *Fédération des Barreaux d'Europe* (FBE), for lawyers;
- the International Union of Bailiffs (UIHJ) and the European Chamber of Judicial Officers (CEHJ), for bailiffs;
- Notaries of Europe (CNUE), for notaries;
- the Academy of European Law (ERA), the European Institute of Public Administration (EIPA), the European Union Intellectual Property Office (EUIPO), the European Patent Office (EPO), the European Asylum Support Office (EASO) and the European Police College (CEPOL) as regards their courses on EU law for legal practitioners; and
- its own Directorates-General managing funds for European judicial training activities.

Below, as in previous reports, we include diagrams showing year-on-year comparisons. The first diagram illustrates the number of Member States for which at least some data on European judicial training of legal professionals were available from the above-mentioned contact points⁵.



Big differences among Member States and legal professions

The participation rate varies considerably across the various legal professions and Member States. To some extent, this is a reflection of different training needs or missing data. However, while the needs of the different professions for training on EU law differ (e.g. less of a need for court staff than for judges), more training may be required to meet the needs of some professions in some Member States.

⁵ Data providers from all Member States responded to the Commission's request, but did not always provide all the requested data.

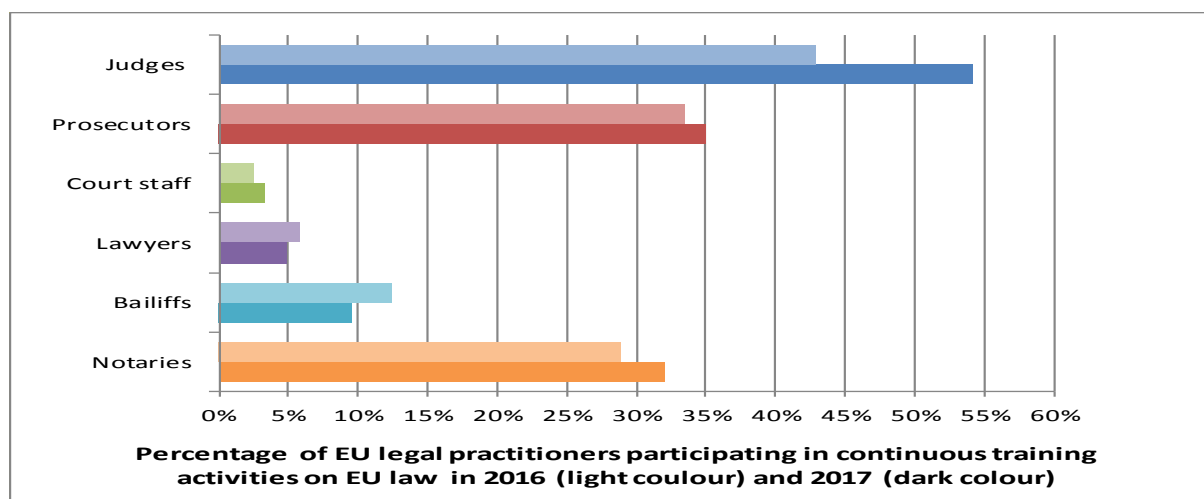
Participation by profession at EU level

The number of 'participants in training activities' may not correspond to the number of individuals trained, since the same person may have taken part in more than one training activity (problem of double counting). However, for a given year, the figures are likely to be similar, since it is reasonable to assume that few practitioners are likely to take part in more than one training activity on EU law or the national law of another Member State in any one year.

The numbers of practitioners in each legal profession (as used for calculating the percentages) and the definitions of the professions were taken from the recently published [2018 CEPEJ study on European judicial systems \(data 2016\): Efficiency and quality of justice](#)⁶.

The ratio of practitioners participating in **continuous** training activities on EU law and on the law of another Member State (as a proportion of practitioners by profession) is approximately:

- 54.13 % (44 877) of all judges working in the respondent Member States;
- 35.05 % (1043) of all prosecutors working in the respondent Member States;
- 3.23 % (11544) of all court staff working in the respondent Member States;
- 4.88 % (50 706) of all lawyers in private practice in the respondent Member States;
- 9.55 % (3744) of all bailiffs practising in the respondent Member States; and
- 27.03 % (15470) of all notaries practising in the respondent Member States.



The absolute numbers of professionals trained have increased for all professions except bailiffs (for whom we had fewer data this year⁷). This increase is not reflected in higher percentages, however, since new CEPEJ figures for total numbers of legal professionals in the Member States have also generally risen – some quite significantly, e.g. the number of lawyers went from 748 515 in 2014 to 1 054 340 in 2016 and the number of bailiffs from 17 648 to 28 960.

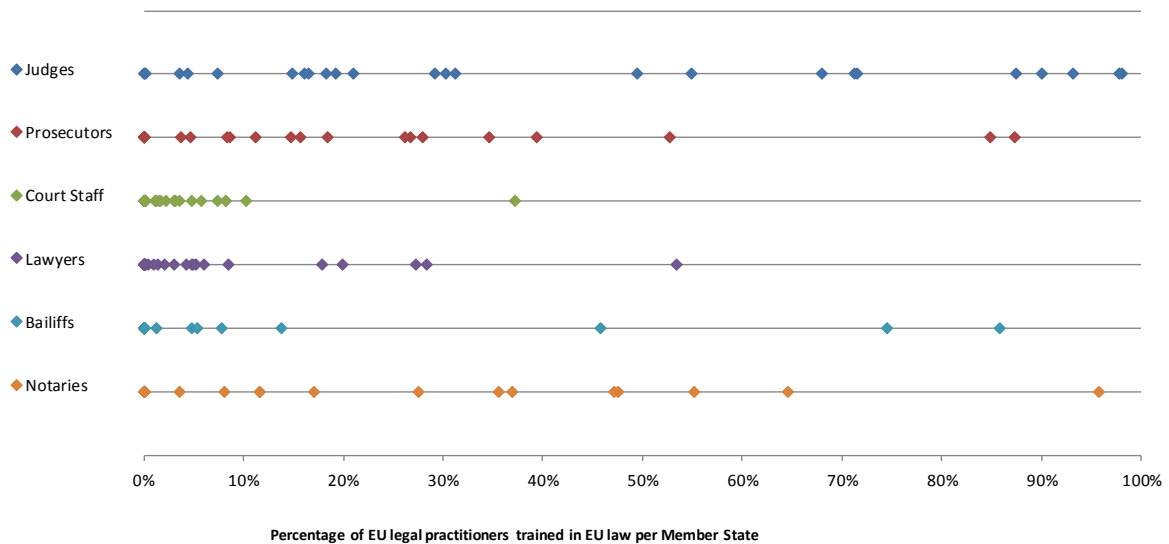
Again, judges, prosecutors and notaries received far more training on EU law or on the law of another Member State than members of other legal professions.

⁶ Where the 2018 CEPEJ report had data gaps, figures from the previous CEPEJ report were used.

⁷ PL and FR are changing their legislation and were unable to provide information. See list of country abbreviations at the end of this report.

Participation by profession broken down by Member State

The percentage of legal practitioners in a given profession participating in continuous legal training on EU law or on the law of another Member State varies considerably among Member States. In the diagram below, each point represents a Member State and its participation rate. In a few cases, the ratio of participants to membership of a profession exceeds 100%, as some participants took part in more than one activity.



Below, we report on participation in training by Member State by judges, prosecutors, lawyers, notaries and court staff (professions for which we received data from most Member States). For the sake of completeness, we show participation in absolute numbers and as percentages of all members of the profession.

Participation of judges and prosecutors by Member State⁸

As in last year's report, we present here double-column diagrams, allowing for a comparison between 2016 and 2017 data. In the tables with **absolute numbers**, the segment at the top of the columns shows the number of judges/prosecutors who participated in EJTN training activities abroad, since these supplement the training available to them in their home country.

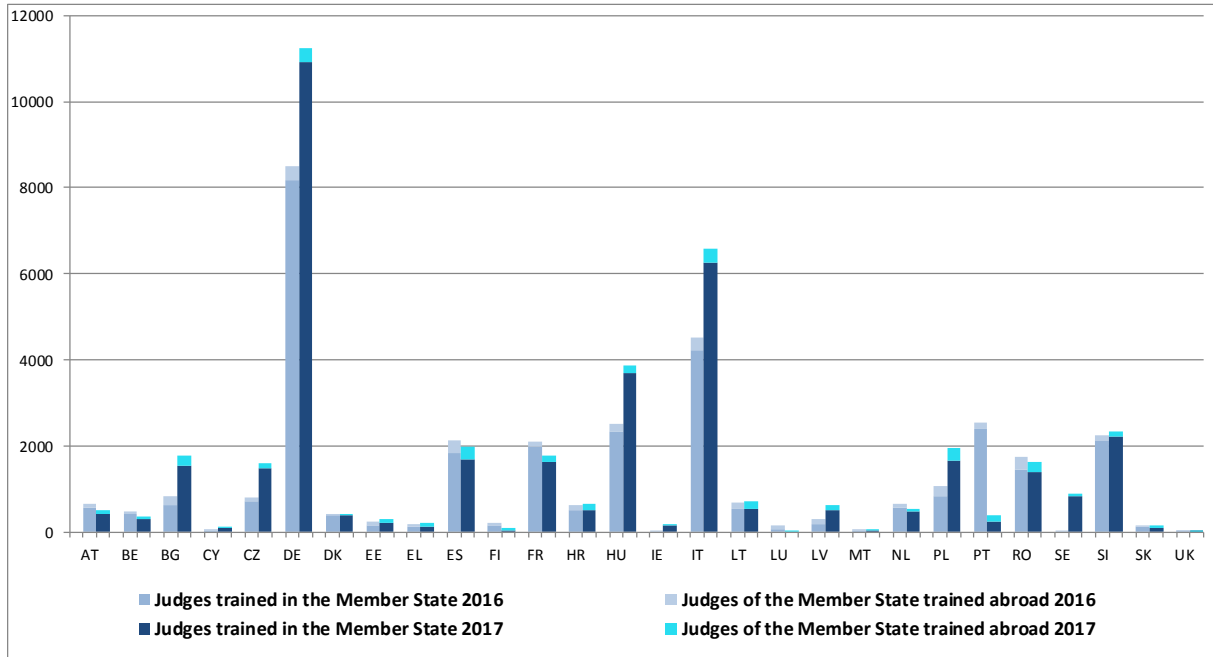
In the tables with **percentages**, a red line indicates the minimum percentage needed to reach the 2020 target of training half the practitioners on EU law or the law of another Member State, i.e. 5 % per year between 2011 and 2020. This target is currently reached by almost all Member States submitting data for judges and prosecutors. Member States with only a few judges and prosecutors can achieve high percentages of trained practitioners by organising only a few activities. For the same reason, percentages in these Member States can easily change from one year to the next, since small differences in absolute numbers cause significant percentage changes.

For judges, there is a moderate increase for most Member States. Data collection has improved further for some Member States, for which we now have more information than in previous years⁹.

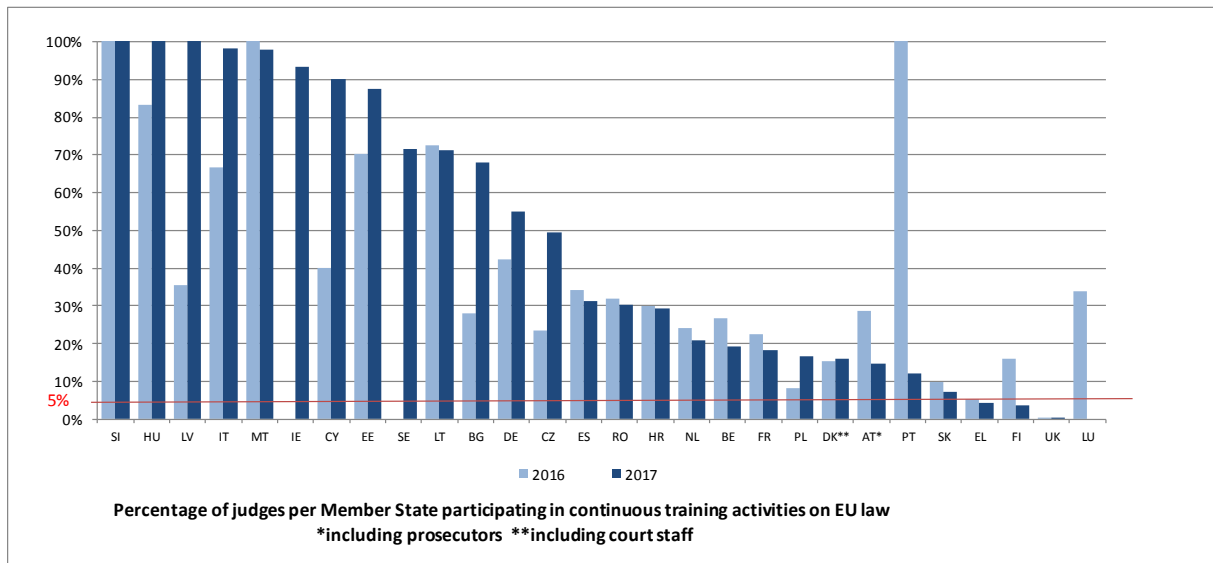
⁸ See list of country abbreviations at the end of this report.

⁹ For Italy, we have data for 24 of the 27 decentralised training centres; these were added to the data for the *Scuola Superiore della Magistratura*.

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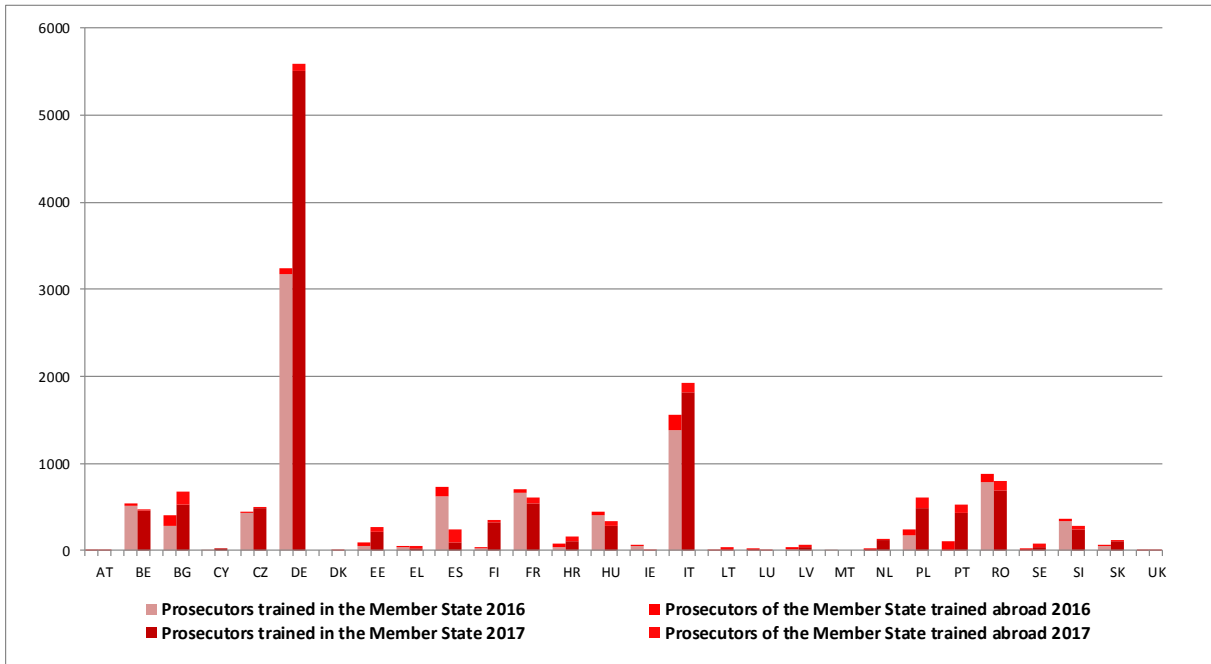
Note: AT figure includes prosecutors;
 DK figure includes court staff;
 No data available for LU.



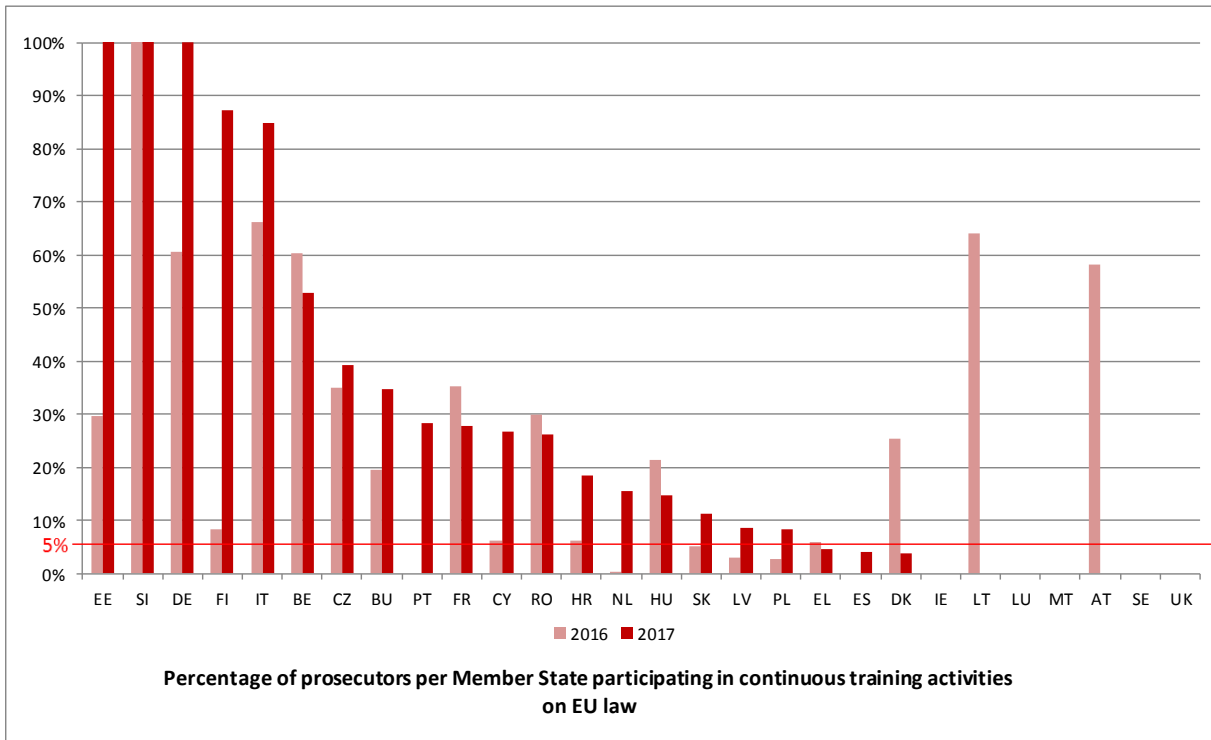
Note: SI – 276 %; HU – 1.31 %, LV – 106.35 % in 2017 (some judges participated in more than one activity).

5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

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Note: AT figure included in table for judges;
No data available for prosecutors in DK, IE, LT, LU, MT, SE and UK.



Note: EE – 123 %, SI – 123 %; DE – 100 % in 2017 (some prosecutors participated in more than one activity).

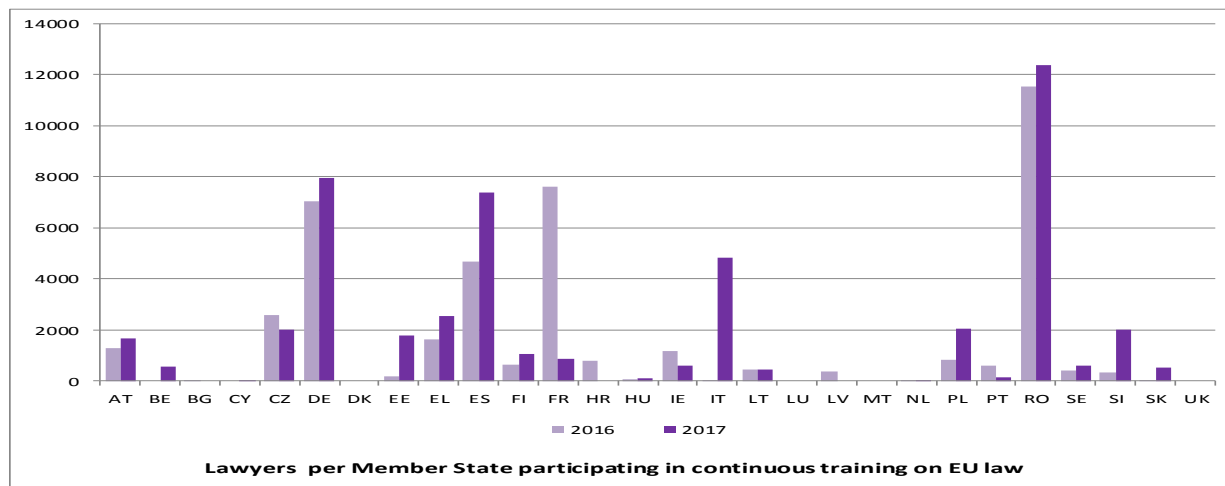
5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners in EU law.

Participation of lawyers by Member State

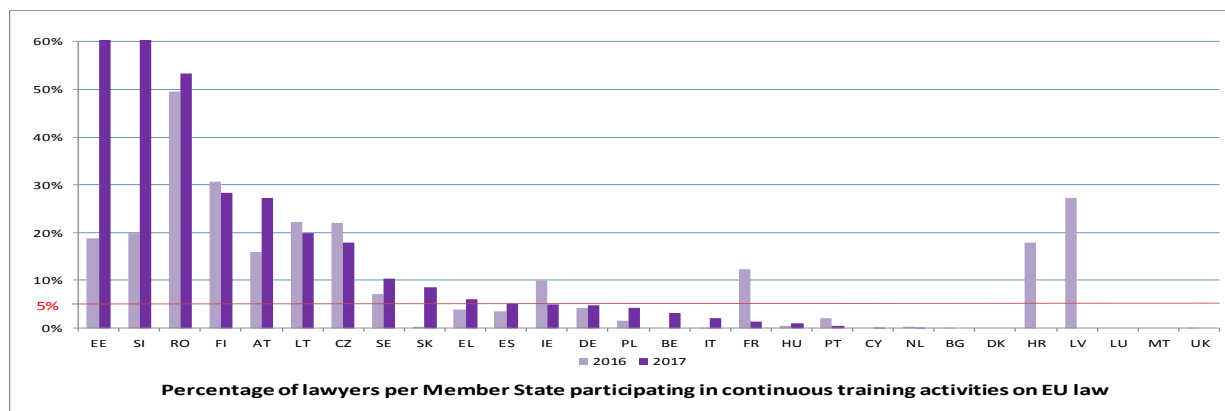
Again, the lack of data on private providers of training for lawyers means that we have only a partial picture. We received data from very few private training providers not connected to bars, even though in some Member States lawyers rely on them in significant numbers. In some cases, data were available only for certain regions of a Member State or a certain type of lawyer. Some respondents explained how the system works in their Member State, but said they were unable to provide data. Nevertheless, the number of lawyers trained has risen, due partly to improvements in Member States already sending data and partly to a real increase in absolute numbers.

Again, in the tables with **percentages**, a red line indicates the minimum percentage of trained participants needed to reach the 2020 target of training half of the practitioners on EU law or on the law of another EU Member State i.e. 5% per year between 2011 and 2020. According to the available data, more Member States reached the 5 % target than in previous years. Although they represent a majority of those for which we received an answer, the situation is still not satisfactory, as they are a minority of Member States overall. As for judges and prosecutors, Member States with only a few lawyers can achieve high percentages of trained practitioners by organising only a few activities. However, the figures are always percentages calculated based on the total number of lawyers in the Member State, which explains why most are low.

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Note: For lawyers in BG, CY, HR, LV and MT no data are available for 2017; For lawyers in the UK, information is available for the first time; DK is unable to provide data.



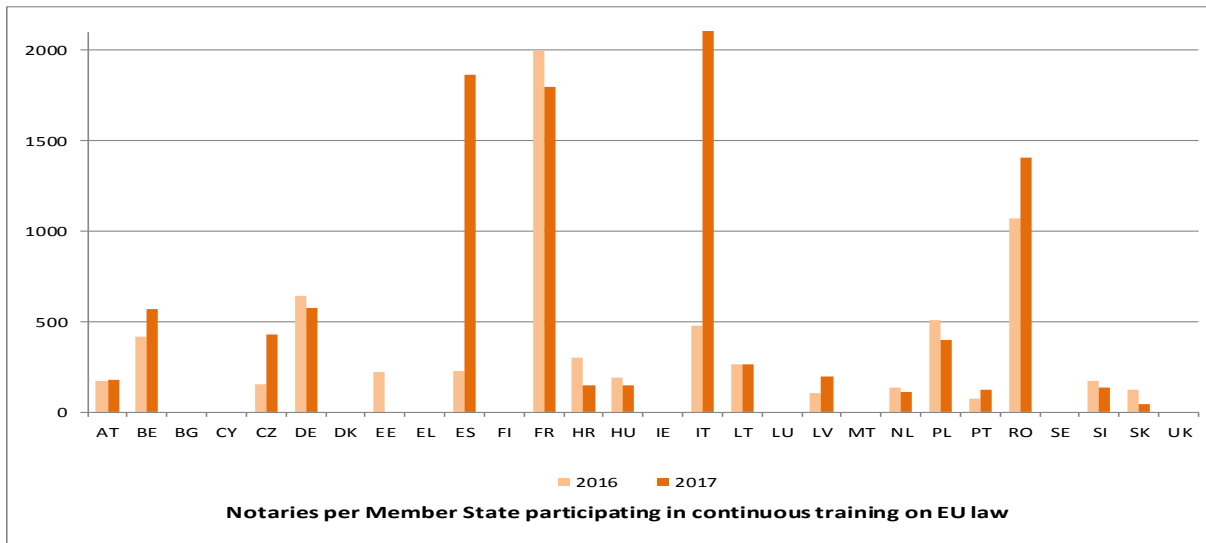
Note: EE – 181 %; SI – 117 % in 2017;
The percentages for CY and NL are minimal.

5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

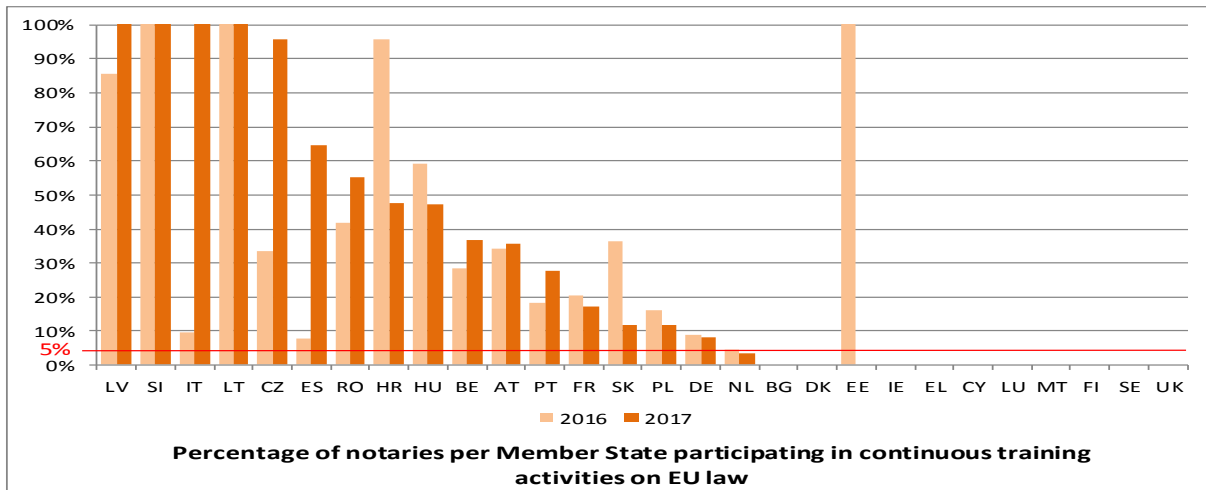
Participation of notaries by Member State

This report uses the definition of ‘notary’ in the [2018 CEPEJ study on European judicial systems: Efficiency and quality of justice](#): ‘a legal official who has been entrusted by the public authority with the safeguarding of the freedom of consent and the protection of the rightful interests of individuals’. Depending on the system of the Member State in question, the notary can be private or public, with different competences and functions.

As in previous years, the target of training 5 % of all practitioners on EU law or the law of other Member States was reached in all Member States for which data are available. The data show that such training of notaries increased significantly in absolute terms. In some Member States, the increase was particularly high. The reasons may vary¹⁰ and we cannot exclude that the biggest increases are due to the same individual(s) taking part in several activities.



Note: No data available for notaries in BG and HR;
 EL, LU, MT and SK: data are minimal;
 CY, DK, IE, SE and UK have a different legal system.



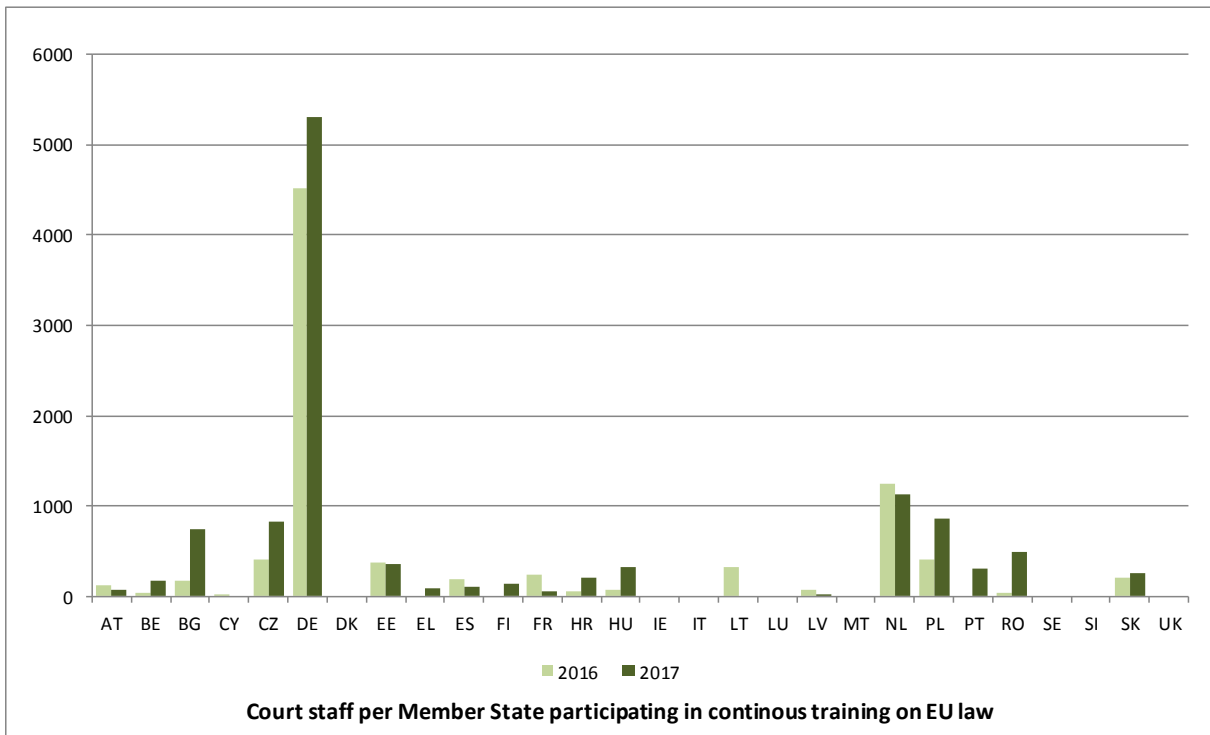
Note: LV – 155 %; SI – 146 %; IT – 123 %; LT – 100 % in 2017 (some notaries participated in more than one activity).

5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

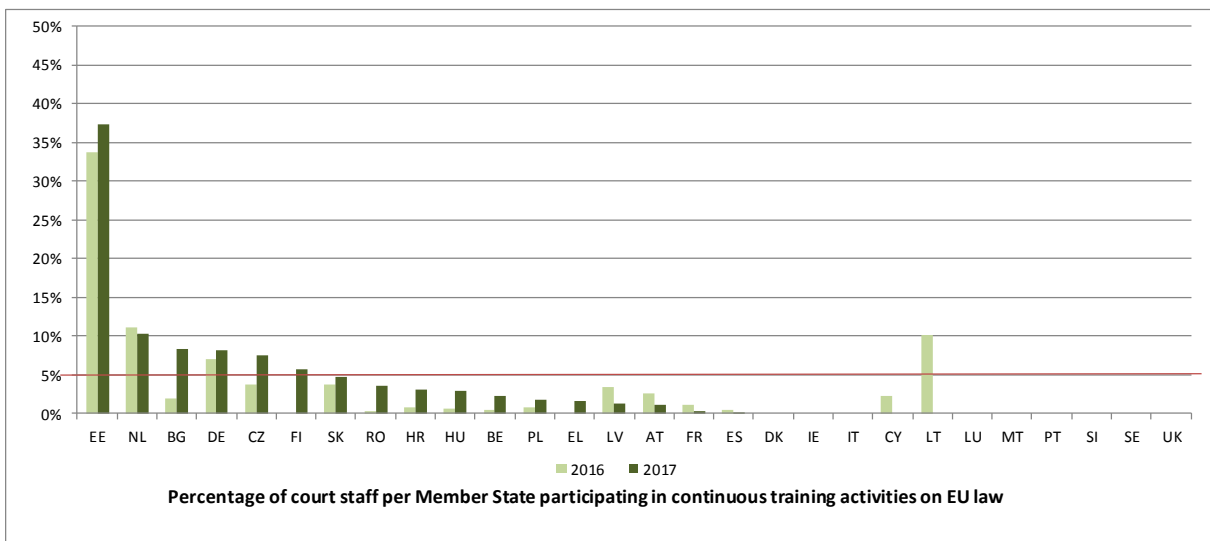
¹⁰ e.g. the number of trained notaries is high for Spain, because the European notarial congress took place there in October 2017.

Participation of court staff by Member State

Member States have different types of court staff. They range from court wardens and technical staff to assistants for judges and partially independent clerks taking judicial decisions, in particular in the area of registers and the execution of judgments. This diversity entails a wide variety of training needs on EU law or the law of another Member State. Although all Member States have court staff with their own training needs, the collection of data for such staff has proven complex over the years. They have varying roles and are often trained under different training schemes and by different institutions, so the overall EU picture is somewhat patchy. This could explain why, despite the number of answers, the 5 % threshold is still reached by only a minority of Member States. However, for the first time this year, it is reached by six Member States for which data are available.



Note: No data available for court staff in IE, IT, CY, LT, LU, SI, SE and UK.

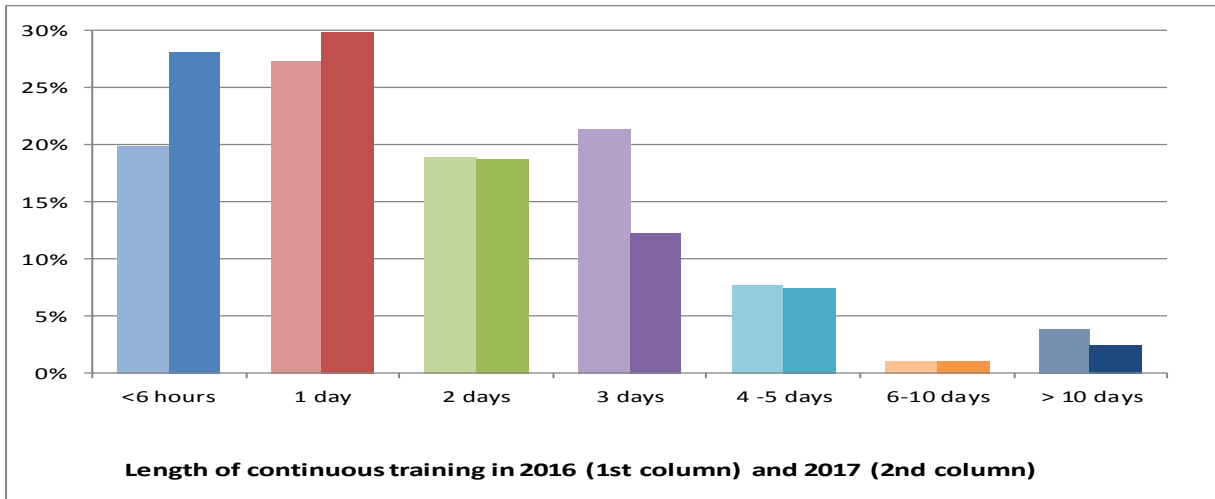


5% = minimum needed per year to reach the 2020 target of training half of the legal practitioners on EU law.

Length of training on EU law

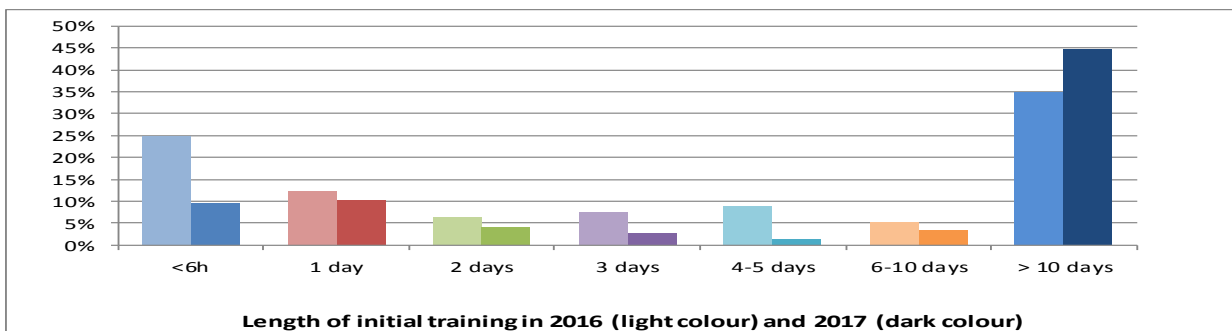
The duration of training activities is still quite short. In fact, the proportion of activities that lasted less than six hours grew again in 2017. Of all continuous training activities on EU law, 77 % lasted two days or less and 57 % lasted one day or less. As in 2016, the majority of activities lasted less than six hours in five Member States and in four others the training lasted one day or less¹¹.

A Member State that offers longer training activities may have fewer participants than one in which the same total number of training days is made up of more numerous, but shorter training activities.



Even in their **initial** training, half of all participants receive no more than two days of training on EU law. In 2017, there was another general year-on-year decrease in the length of initial training on EU law or on the law of another Member State. The only form of training that saw an increase were initial training activities lasting 10 days or more. However, this is mainly due to big percentages in five Member States and does not reflect the situation in a majority of Member States.

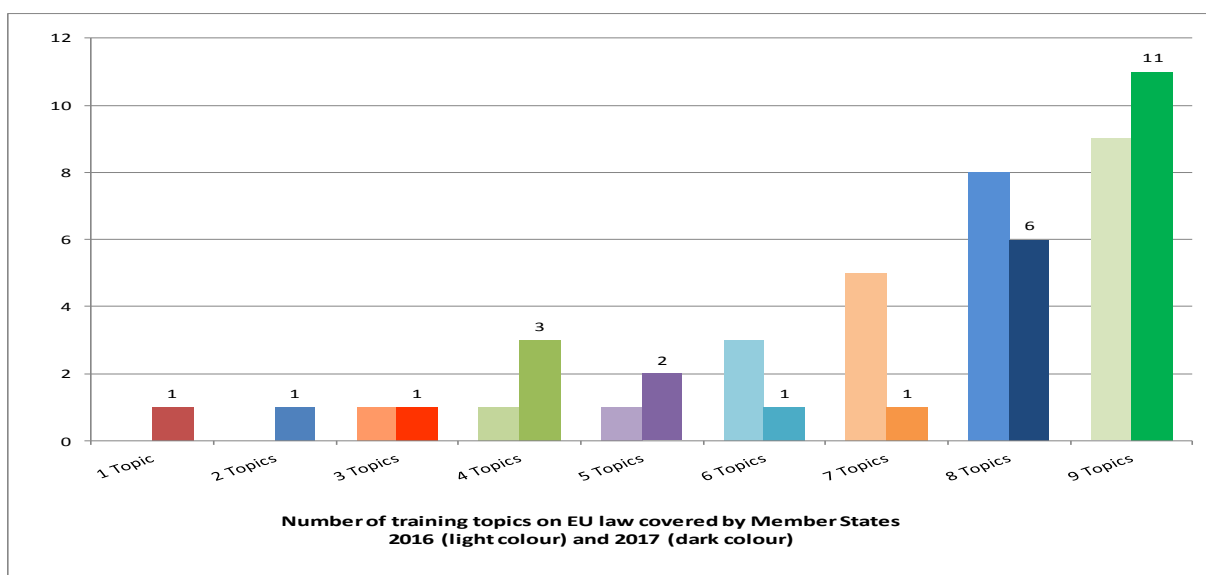
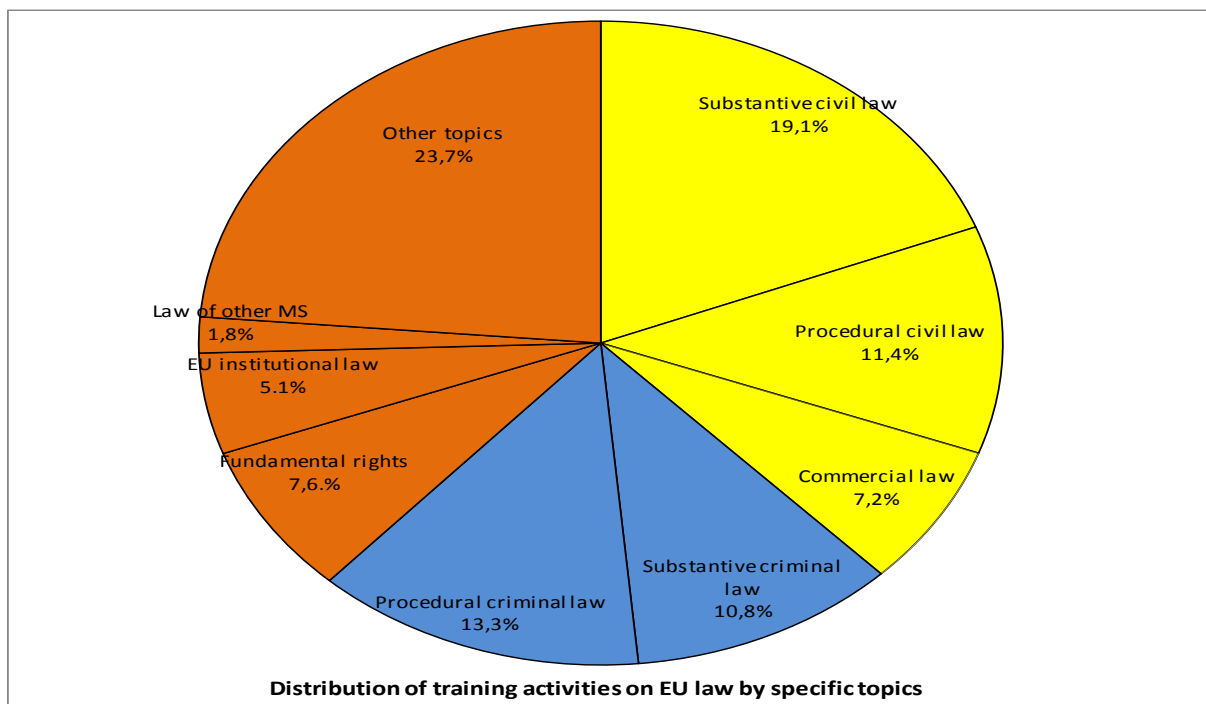
Time constraints should not prevent participants from receiving more training on EU law in the course of their initial training. Covering EU law at university can reduce the need for comprehensive training later on. Knowledge of EU law should be updated on an ongoing basis, but trainees should at least learn about its practical application in the course of their initial training. Given the overall length of initial training, two days or less does not seem to reflect the importance of EU law in the professional practice of future legal practitioners.



¹¹ It is not possible to produce a breakdown of the length of the training activities by profession, as for most Member States only aggregate data on training activities for several professions are available, in some cases because training providers cater for a range of professions.

Wide range of training topics

Training covered a wide range of EU law topics in 2017, but slightly fewer than in the year before. In 17 Member States, training was offered in at least eight of the nine topic areas identified (including the law of other Member States), while six offered training in less than five topics. Specific training on the law of other Member States (including legal language training) accounts for only 1.8% of training activities¹².



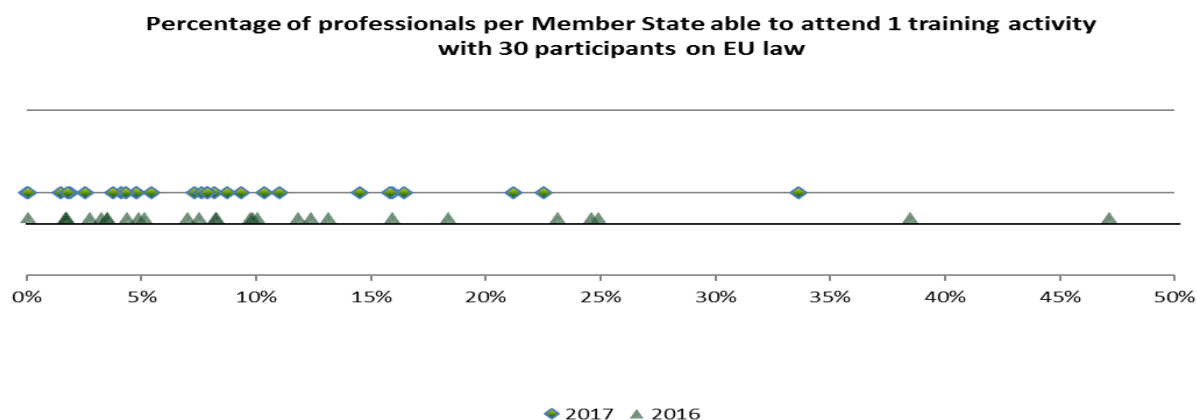
¹² A breakdown by profession is not available (see previous footnote).

Training in small groups as an indicator of quality

Effective judicial training is not only about numbers of participants. The training activities must also be of good quality. The average number of participants attending a training activity is one possible indicator of quality, since people usually learn more through interaction and participation than by attending lectures¹³ and this is easier in smaller groups. For this report, we assess quality on the basis of the assumption that an average of 30 participants per activity is appropriate. A smaller average number of participants per training activity can be one reason why a Member State reports a smaller percentage of participants than another Member State offering the same number of activities.

In order to evaluate whether enough training activities are being offered to reach the 30-participant target, we calculated the percentage of practitioners by Member State who could have taken part in one activity with 30 participants. We used the aggregate number of activities (for all legal professions), and the actual number of participants trained, in each Member State.

The diagram below shows the percentage of practitioners by Member State that could have taken part in one training activity on EU law or the law of another Member State in 2017, if the activities on offer had 30 participants on average. (This percentage would be 100% if there were enough activities to enable all practitioners in a Member State to take part in one activity with 30 participants). While there is progress in some Member States, the percentages for the majority still range between 1% and 25%, indicating that most activities on offer there do not take place in small groups.



Supported by a group of experts on legal training from all legal professions, the Commission's Directorate-General for Justice and Consumers has assembled practical recommendations to ensure the quality of judicial training. This advice also contains links to further resources and examples as to how to implement the recommendations in practice. It is accessible on the European judicial training section of the Commission's European e-Justice portal¹⁴ in all EU languages except Gaelic.

¹³ European Commission, *Advice for training providers – European judicial training*, pp. 7-8; EJTJN, *Handbook on judicial training methodology in Europe*, 2016, pp. 21-26.

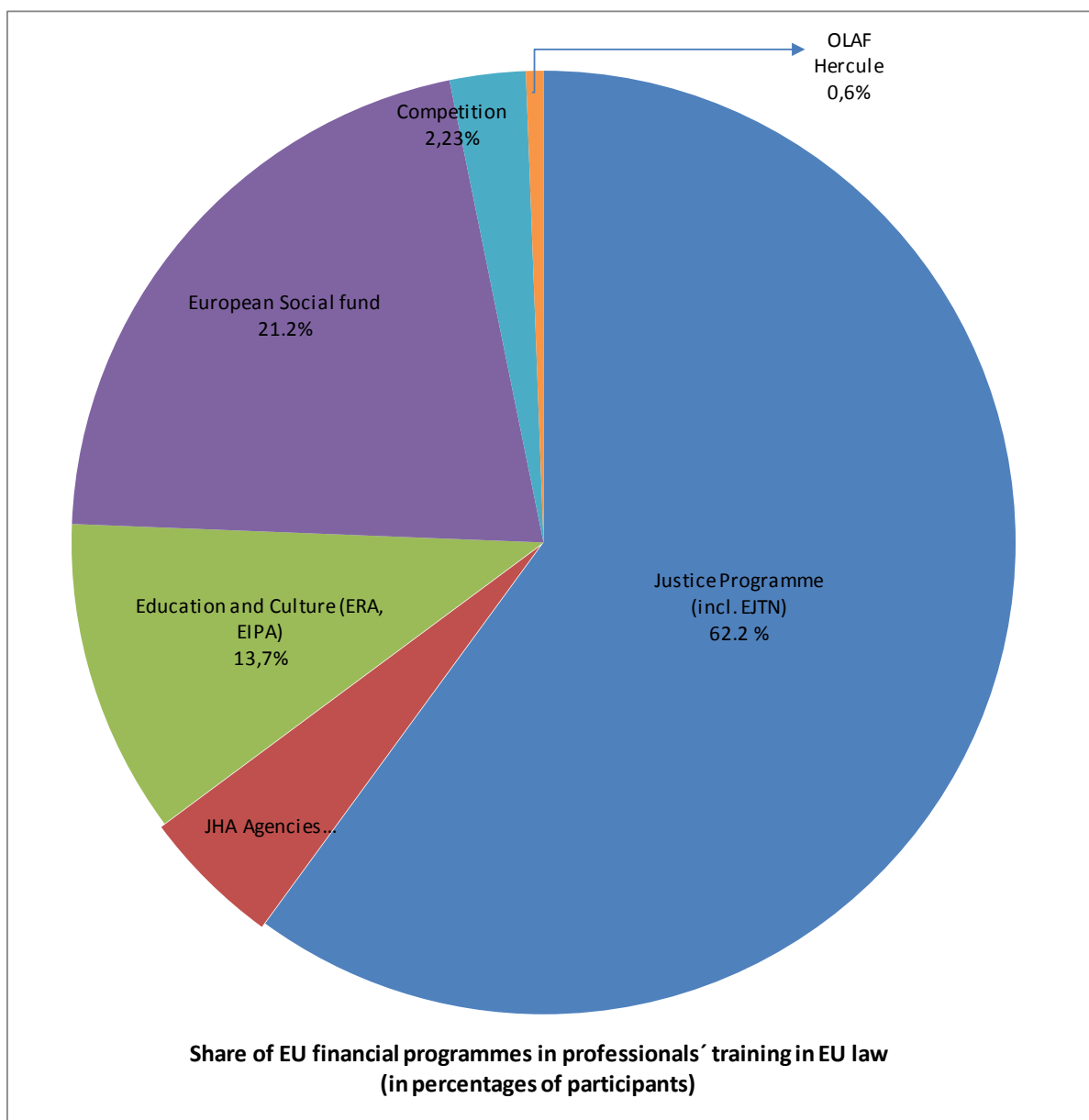
¹⁴ https://e-justice.europa.eu/content_training_material-252-en.do

EU-funded training

In 2017, the EU funded European judicial training for over 27 000 legal practitioners, i.e. 15 % of all those who took part. This is a higher percentage than in 2016 (13 %), but the total number of participants and of legal practitioners in the EU grew more. This year's data collection includes reports on relevant national measures supported by the ESF.

The provider of judicial training on EU law that received the biggest single financial support by the European Commission in 2017 was the European Judicial Training Network (EJTN). Operating grants to support their training activities were also awarded to the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA). The European Union Intellectual Property Office, the European Patent Office, the European Asylum Support Office and to a small extent the European Police College also used EU funds to train legal practitioners.

In addition, the Commission awarded action grants under several of its financial programmes (the Justice programme in the areas of civil and criminal justice, fundamental rights and competition law; the Rights, equality and citizenship (REC) programme; Hercule III) and provided support in some Member States through the ESF. In individual cases, it arranged training under service contracts (for the creation of training modules on EU law or the organisation of training seminars).



Next steps

This seventh report demonstrates that the Commission's aim of ensuring that half of all legal practitioners are trained on EU law between 2011 and 2020 was 'SMART'¹⁵, but maybe lacking slightly in ambition. We are proud to see it achieved two years ahead of the deadline.

This success should act as a spur to further efforts.

At the annual conference on judicial training, Commissioner Jourovà reaffirmed the Commission's commitment in this area and stressed its importance¹⁶: 'Judicial training is the wind in the sails of the European judicial area. It is a shared responsibility of all of us dealing with judicial training on EU law at national and European level; to strengthen the European judicial culture. Judicial training is the essential tool in building trust in an EU-wide justice based on the principle of mutual recognition'.

In 2019, following this year's consultations, the Commission will publish its conclusions on the evaluation of the 2011 strategy. Preliminary results show that the strategy: is considered successful; has achieved its objectives at a reasonable cost and has been efficient overall; is coherent and complements national policies, in line with the principle of subsidiarity; and has helped to create EU added value, e.g. the increase in cross-border activities and exchanges could not have been achieved without EU intervention.

However, its sustainability is hampered by some limitations, such as: the language barrier; the under-use of training materials from the European e-Justice Portal; and insufficient perception among practitioners that EU law training is a worthwhile investment.

The Commission will continue to reflect on how best to address the above limitations in the future. While there is strength in numbers, it remains our aim to match quantitative achievement with better quality. As well as reaching the right number of participants, we must also target them and their real needs more effectively.

EU financial support will be maintained, but in a 'do more with less' scenario it is crucial to: improve results through better implementation; set more appropriate priorities; and look for cost-efficient measures, such as: reusing existing good material; better dissemination; and building on what works (exchanges of best practices and cooperation/networking among training providers).

This report confirms once more that there is room for improvement in closing the gaps between legal practitioners and among Member States. The discrepancies cannot be fully explained by different training needs and support for training on EU law must be maintained at all levels, in line with the subsidiarity principle.

We take this opportunity to call on all those involved in European judicial training to help improve the sustainability of the strategy. Every stakeholder has a role to play in making this policy a success – we need to complement each other, create synergies and work together.

Let us keep on learning together to make a tangible reality of an EU area of justice, freedom and security where laws, principles and values are shared in a way that strengthens trust for mutual recognition in cross-border proceedings.

¹⁵ i.e. **s**pecific, **m**easurable, **a**chievable, **r**ealistic, **t**ime-related.

¹⁶ In her opening speech for the judicial training conference, 'Shaping the future of judicial training – fit for 21st century justice'.

Abbreviations of Member States

AT	Austria	FI	Finland	NL	Netherlands
BE	Belgium	FR	France	PL	Poland
BG	Bulgaria	HR	Croatia	PT	Portugal
CY	Cyprus	HU	Hungary	RO	Romania
CZ	Czech Republic	IE	Ireland	SE	Sweden
DE	Germany	IT	Italy	SI	Slovenia
DK	Denmark	LT	Lithuania	SK	Slovakia
EE	Estonia	LU	Luxembourg	UK	United Kingdom
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