

EUROPÄISCHE UNION DER RECHTSPFLEGER
UNION EUROPEENNE DES GREFFIERS
EUROPEAN UNION OF RECHTSPFLEGER

“Green Paper” - Commission



Green Paper for a European Rechtspfleger

Green Paper

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I. Introduction

Based on the idea to advance the judiciary cooperation within Europe as well as to improve the efficiency, making themselves more available to and following up with citizens of the courts for jurisdiction, the European Union of Rechtspfleger (E.U.R.) submits a Green Paper for a European Rechtspfleger to the European Commission, Directorate-General Justice, Freedom and Security. This has been agreed upon with the department civil justice. Thus the European Union of Rechtspfleger wants to support the European Union in creating a space of freedom, safety and right according to its bye-laws objective targets with the judiciary-political mandate regarding the creation, development and harmonisation of the law both on European and international level.

The European Union of Rechtspfleger as author of the Green Paper for a European Rechtspfleger was founded in 1967. Today it comprises member associations in 16 European countries such as Belgium, Denmark, Germany, Estonia, Finland, France, Italy, Luxembourg, the Netherlands, Norway, Austria, Poland, Portugal, Rumania, Sweden and Spain. Furthermore similar professional associations in non-European countries such as Japan, Mali, Morocco and Tunisia belong to it. These are professional associations of higher civil servants who are in charge of jurisdiction and/or administrative tasks.

This Green Paper shall serve to effectuate a public and academic discussion regarding the creation of a new European job description, the European Rechtspfleger, as well as to set up correspondingly basic judiciary-political aims.

The introduction of the European Rechtspfleger shall serve as well to relieve the judges. Judicial tasks might be assigned to this European Rechtspfleger for an objective independent decision under consideration of the country-specific regulations. Thus the much cited overburden of the judges can be counteracted in all countries.

In those countries in which the occupational image of the Rechtspfleger has already been introduced, it has proven to be a factor of better efficiency of the justice. In the other member countries of the European Union the Ministers of Justice should be provided with suggestions to think about their national systems.

Rechtspfleger are judicial civil servants who have originally been assigned with legal tasks for independent and self dependent handling and completion. They belong to the upper grade of the civil service at a court. The appointment in this profession implies in general highly-qualified judicial studies of minimum three years at a college of higher education. The training in the member states is quite different. Thus it must be harmonised for a uniform occupational image of the European Rechtspfleger.



The fields of activities do also vary and are not always allocated to the courts. Therefore they are to be harmonised no matter which institution they are allocated to for handling. The aim is to allocate the scope of tasks of judicature to the courts within a single area of justice.

Consequently the European Rechtspfleger as a European occupational image may be defined as follows taking into consideration the grown juridical structures and different legal systems within the member states of the European Union:

Judicial tasks as well as tasks concerning the judicature, which are allocated to other institutions than the courts, are assigned to the European Rechtspfleger for independent and self dependent handling and completion. He is an objective independent organ of judicature. In his decisions he is only submitted to law and justice.

The European Rechtspfleger shall have a uniform training level. This can be achieved by the Bachelor of Law or an equivalent training.

The inventory of this Green Paper informs about the current tasks of the Rechtspfleger or comparable civil servants in the judiciary within the member states of the E.U.R. Insofar the introduction comprises no details. The inventory is based on a questionnaire.

The tasks to be taken over by the European Rechtspfleger are submitted as proposals.

Basis of the Green paper are the model statute for a European Rechtspfleger passed by the E.U.R. at the congress in Alicante/ Spain in 1995 as well as the Recommendation No. R (86) 12 of the Committee of Ministers of the Council of Europe to the member states concerning measures to prevent and reduce the excessive workload in the courts.

Furthermore the mentioned model statute contains the request of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (MRK) as far as a fair public procedure at the responsible court within an adequate period of time is concerned.



The following is stated in the model statute for a European Rechtspfleger:

1. The steadily increasing tasks of the courts compel to introduce measures which are appropriate to:
 - a) increase the efficiency of the courts,
 - b) guarantee a legal decision to the citizens within an adequate period of time (Art. 6 of the MRK) and
 - c) intensify the use of electronic data processing for efficient working procedures at the courts.
2. The constitutionally oriented European countries have followed the Recommendation of the Council of Europe of Ministers No. R (86) 12 for the introduction of the Rechtspfleger. The introduction of the Rechtspfleger has proven to be a suitable measure in the individual countries for the realisation of the aims mentioned under No. 1.
3. In accordance with Recommendation No. R (80) 3 of the Council of Europe regarding the training, research and formation in the fields of electronic data processing and law, appropriate possibilities for basic and advanced training in the mentioned fields shall be guaranteed to the judicial officers.
4. A uniform rule for the institute of a Rechtspfleger – particularly regarding the formation – is absolutely necessary with regard to the approval of diplomas (Recommendation 89/48 of the European Communities).

To issue this Green Paper for a European Rechtspfleger, the E.U.R. had installed a commission. This comprised colleagues of the member states of the E.U.R., namely from Belgium (*Joseph Horrion*), Denmark (*Else Dankau*), Germany (*Stephan Emmeler*), France (*Jean-Jacques Kuster* at the same time representative of the E.U.R. at the Council of Europe), Austria (*Gerhard Scheucher*) and Rumania (*Dumitru Fornea*) as well as the board of the European Union of the Rechtspfleger (president *Thomas Kappl*, secretary general *Adelheid Hell* and treasurer *Harald Wilsch*).



II. Inventory Concerning the Tasks and Training of the Rechtspfleger / Greffier in Europe

In the model statute for a Rechtspfleger / Greffier, which was passed by the European Union of the Rechtspfleger in 1995 (refer to Introduction of this Green Paper), a certain number of judiciary and administrative tasks has been listed, as they were carried out by the Rechtspfleger and Greffiers in various member states of the E.U.R. until 1995.

Essentially those were such being assigned to the Austrian or German Rechtspfleger. Actually they are these tasks which are the basis for the model statute of a European Rechtspfleger / Greffier. This statute showed the level to be achieved, provided a frame for the future acting of the E.U.R. and served as a reference guide for Europe. Additionally to the tasks it was targeted on the necessary training as well as to the status which is adapted to such functions.

Which is the current state of proceedings to be assessed for the member states of the E.U.R. more than 20 years after its passage based on the facts which were set up by our organisation in 1995?

This current state of proceedings has been determined by means of a questionnaire which was answered by the member organisations as well as by means of an analysis regarding the development of the tasks which were carried out by the Rechtspfleger / Greffiers (en chef) or similar professions in the member states taking into consideration the model statute. They represent the basic elements of the Green Paper which has been worked out by the E.U.R.



INVENTORY

The questionnaire submitted to the member organisations enabled us to carry out an inventory among 13 European member organisations which answered the questionnaire, i.e. Belgium, Denmark, Germany, Estonia, France, Italy, Luxembourg, the Netherlands, Norway, Austria, Poland, Spain, Rumania.














The inventory comprised the following three sections:

- Competences in the fields of non contentious jurisdiction, civil matters, criminal cases, administrative matters
- Employment and training
- Status which is assigned to the Rechtspfleger / Greffiers (en chef) and similar professions



	 Belgium	 Denmark	 Germany	 Estonia	 France	 Italy	 Luxembourg	 Netherlands	 Norway	 Austria	 Poland	 Spain	 Rumania
CIVIL MATTERS													
Order for Payment Procedures	-	+	+	+	-	-	-	-	-	+	-	+/-	-
Judicial Sales of Real Estates	-	+	+	-	-	-	-	-	+	-	-	+	-
Insolvency Procedures	-	-	+	+	-	-	-	-	+	+	-	+/-	-
Procedures for the Taxation of Costs	-	-	+	-	+	-	-	-	+	+	+	+	-
Allocation Procedures	-	-	+	-	-	-	-	-	-	+	-	+	-
Enforcement	-	+	+	+	+	-	-	-	-	+	+	+/-	-
Hearing of Witnesses, Mutual Legal Assistance	-	-		-	-	-	-	-	-	+	-	-	-
Legal Aid	-	-	+	-	+	-	-	-	-	+	-	-	-
Expert Opinion Matters	-	-	-	-	-	-	-	-	-	+	+	-	-
Restitutio in Integrum	-	-	-	-	-	-	-	-	-	+	-	+	-
ADMINISTRATION													
Court Manager, Head of Division	+	+	+	-	+	+	+	-	+	+	-	+	-
Executive Officer Personnel		+	+	-	+	+	+	-	+	+	-	-	-
Head of Court Cashier	+	+	+	-	+	+	+	-	+	+	-	-	-
Supervisor of the Registry, Disciplinary Authority	+	+	+	-	+	+	+	-	-	+	-	+	-
Participation in Employments and Appointments	+	+	+	-	-	-	+	-	+	+	-	-	-
Budget Estimate	-	+	+	-	+	+	+	-	+	+	-	-	-
Supervision, Fund Raising and Assignment of Budget Funds	+	+	+	-	+	+	+	-	+	+	-	-	-
Building Administration	-	+	+	-	+	+	-	-	+	+	-	-	-



	 Belgium	 Denmark	 Germany	 Estonia	 France	 Italy	 Luxembourg	 Netherlands	 Norway	 Austria	 Poland	 Spain	 Rumania
<i>Other Judicial Tasks in the field of non-contentious matters, Civil Matters, Criminal Cases</i>	-	+	+	+	-		-	+	+	-	+	-	-
<i>Other Administrative Tasks</i>	-	-	+	-	-		-	-	-	-	-	-	+
<i>Projects for the Assignment of Judicial Tasks</i>	-	-	-	-	+		-	+	-	-	-		+
<i>Projects for the Assignment of Administrative Tasks</i>	-	-	-	-	-		-	+	-	-	-		+

1. The Competences Listed in the Model Statute of 1995

a) Non Contentious Jurisdiction

Aimed at are the fields of family and inheritance law, land register law, commercial and associations register, estate safeguarding by sealing, assignation for authorisation to vote, decision about acquiring citizenship.

The majority of the countries mention the assignment in these fields with the exception of Belgium, Luxembourg and Rumania. Countries like Austria, Denmark and Germany, cover almost the whole spectrum of the listed competences (particularly as far as registering is concerned), followed by Estonia and France, however, in a minor scope. It should be mentioned that in countries like Italy, Luxembourg and the Netherlands certain fields such as registering are not under the responsibility of the administration of justice but belong to another administration or organisation (finance, chambers of commerce).

b) Criminal Cases

Aimed at is the execution of a sentence, i.e. warrants and writs of habeas corpus as well as warrants of apprehension, authorisation of respite and payment by instalments for fines, ruling for the enforcement of alternate imprisonment or, prevention of the alternate imprisonment by the accomplishment of work serving the public good, prosecution before the local or district courts.



Just some countries have assigned these competences from the field of criminal law to non-judicial personnel, i.e. Germany (fully), Italy and Spain for some fields.

It should be specified that Spain had intended to assign competences in the field of criminal law in the original law about law authorities dated 2003 which, however, have not been effected so far.

c) Civil Matters

Aimed at are orders for payment procedures, judicial sales and judicial administration of real properties, bankruptcy, taxation of costs, allocation, enforcement (a. o. attachment of wages), creation and change of maintenance orders, stay of execution, conducting the statutory declaration by disclosure of the property regarding enforcement, hearing of witnesses, legal aid matters, request for mutual legal assistance, expert matters, restitutio in integrum.

Austria and Germany are in these fields the countries which assign almost the whole competences to the Rechtspfleger. In other countries such as Denmark, Estonia, France, Norway, Poland and Spain such tasks are partly assigned to the Rechtspfleger based on a recently performed statutory assignment of competences from the judge to the Rechtspfleger.

The competency in the field of orders for payment procedures has been assigned to the Rechtspfleger / Greffiers in five countries, i.e. Austria, Denmark, Estonia, Germany and Spain.

It should be specified that Spain had intended to assign competences in the field of civil law in the original law about law authorities dated 2003 which, however, have not been effected so far.

d) Administration of Justice

Aimed at are job titles as officer of the court office, registry officer, official advisor, head of office respectively executive officer for personnel matters (civil servants, employees, workers), head of court cashier, head of registry offices, budget and organisation, personnel administration, assignment of positions, own disciplinary authority, the right to make recommendations for sanctions to the higher authority, participation in the disciplinary committee, participation in employments and appointments, preparation of the budget proposal, supervision of the budget funds, supply and assignment of the budget funds, building administration.

These management tasks as well as the management of personnel and financial resources quasi represent a common denominator of the profession in all countries with the exception of Estonia, Poland and the Netherlands.

The administration and management of a court, tasks regarding the management of personnel and financial resources, are entrusted to this professional category. These competences are carried out in most countries under the control or administration of the head of the court or another person of the administration authority.



2. Other Judicial Competences in the Countries in the Non Contentious Jurisdiction, in Civil Matters and Criminal Cases as well as in the Administration

Apart from the tasks listed in 1995 several countries notify of further competences in the non contentious jurisdiction as well as in civil matters and criminal cases which are assigned to the Rechtspfleger / Greffiers or similar professions. These are competences in the field of judicial assistance (Estonia, Germany, Norway), inheritance and insolvency proceedings, marriage certificates (Norway), acknowledgement of paternity (Denmark), execution and backup procedures, getting affirmations in lieu of an oath (Germany), orders for payment procedures (Poland).

3. Projects Assignments of Judicial Competences in the Non Contentious Jurisdiction, in Civil Matters and Criminal Cases as well as in Administrative Matters

At the moment a discussion is going on in France about proposals of competences in the jurisdiction to the Greffiers en chef or even the Greffiers. Within the scope of the reform of jurisdiction, which is performed in this country, a commission has been established by the Ministry of Justice presenting its conclusions on June 30, 2008. Inter alia the Commission recommends to establish a Greffier with a judicial function similar to the Austrian or German Rechtspfleger.

As for Spain, competences of the Greffier en chef in the non contentious jurisdiction are aimed at in a law project (family and guardianship law, inheritance and land register law). The Ministry of Justice in Rumania has initiated a pilot programme to find out about possibilities to relieve the judges from administrative tasks by the introduction of "court managers".

B) Employment and Training

Please refer to item V of the Green Paper.

C) The Status of the Rechtspfleger / Greffier (en chef), Rechtspfleger and Similar Professions

Dependent on the political organisation of a country (federal or non-federal) they are in large part in the competence of public functions of the state or local communities.

They belong to the middle or upper grade of the civil service servants dependent on the fields of their competences. Their status is ruled by law (Austria, Belgium, Denmark, Estonia, Germany, Italy, Luxembourg, the Netherlands, Poland and Rumania). They can be awarded an independence guarantee in the exercise of their functions by law (Austria [there even determined in the Constitution], Denmark, Germany, Spain).



III. The Model Statute of the E.U.R. from 1995 – An Attempt for Harmonisation of Different Functions in Europe

As far as the professions in the registries of the courts in Europe in 1995 is concerned, the inventory centred on the divestiture of the profession, i.e. on the one hand the functions of the Rechtspfleger as they were known in Austria, Denmark and Germany and, on the other hand the functions of the Greffier as assistant of the judges in the other countries.

The statute proposed as a model a profession based on three columns. The first one favouring a considerable assignment of competences from the judge to the Rechtspfleger / Greffier particularly in the field of the non contentious jurisdiction, the second one proposing to entrust him with the guidance and administration of the registries- both based on a very special professional training from the beginning – and, the third one which ties the execution of the profession to a legal or constitutional statute so as to guarantee independence.

This statute is now more than 20 years old. How can it be evaluated today? The European Rechtspfleger / Greffier does not exist despite open frontiers, the freedom of movement for employees within Europe including in public functions as well as a European legislation influencing the national ones. There is only the certainty that the effect of the model statute is guaranteed. Particularly in the countries of Central and East Europe where professions similar to the Rechtspfleger have been introduced also owing to the numerous measures of cooperation between the Council of Europe, the E.U.R. and its member states as well as the programmes of the European Union. The impact is especially distinct in the fields of the land and commercial register. These are in fact these fields in which the effectiveness of the judiciary and its staff affects and influences the economy.

It is right that the effect of the model statute is minor in Western Europe and it is difficult to achieve a transfer of competences in the jurisdiction from judges to Rechtspfleger / Greffiers because the judges are quite reluctant to this project. In contrary, a positive trend can be seen in Spain where the „secretario judicial“ had the pleasure to be assigned with comprehensive tasks, which, however, is just paperwork to the lack of applying the law from 2003. Also in France the model of the German Rechtspfleger was the origin of a first major assignment of tasks from the judge to the Greffier en chef within the scope of a law dating back to 1995.

The model statute seems to have a certain effect under the aspect of directorate, management and administration tasks related to the activities of the Rechtspfleger and Greffiers because these are found in almost all countries. Actually, the management must be in accord with the judicial function and, the internally available sources of management personnel in the court administration must be completely utilised. Within a judicial institution the group of people who is perfectly familiar with the administrative process must be maintained because like that problems can be easily approached and solutions matching the relevant Authority be found.



Furthermore, the effect of the model statute must be underlined in view of the European coalescence. The European institutions have always been worried about the functioning of the judiciary as well as its improvement and, the improvement of its efficiency was one of its main concerns taking into consideration the malady the judiciary is suffering from, i.e. (cumbersomeness, complexity, the difficulty to affront the increasing flow of litigations, lack of funds and equipment). The occupational groups working in the registries of the courts as well as the other professions at a court undoubtedly contribute to increase the efficiency of the courts because they are entrusted with an active role in the judicature in Europe. They are the contact persons who are close to the citizen and facilitate the access to justice for him. His worries can thus be answered quickly in an uncomplicated procedure. They are the personnel at the courts who are able to relieve the judges from certain tasks thus contributing to handle the heavy workload. In this relation the European institutions were susceptible to the role which the Rechtspfleger and Greffiers can play. So, the 23rd Conference of the Ministers of Justice of the Council of Europe in London has recommended measures in June 2000 to assign tasks to the Greffier such as the preparation of hearings or the independent practice of certain jurisdiction tasks following the example of the Austrian or German Rechtspfleger. As for the European Union, it has defined a space of justice, freedom and security in Tampere in October 1999. The legal instruments, which have been introduced since then, strengthen the role of the Rechtspfleger / Greffier particularly with regard to the mutual acceptance of decisions for the European execution warrant as well as the European order for payment procedure.

The legislation within Europe which is as a tendency growing regarding judicial proceedings, represents the main assignment for the profession and will be decisive for its development in such a way that a European Rechtspfleger / Greffier will be in charge of maintaining a European land register, of a European commercial register and the issue of a European certificate of inheritance.

The Rechtspfleger and Greffiers must actively participate in the construction of a Europe of law. This is the aim which has been set up by the European Union of Rechtspfleger regarding the presentation of this Green Paper.

The balance of advancement of the model statute for a European Rechtspfleger is honourable. It is not measured according to terms such as enormous earnings but it has yielded fruit.

The answers to the questionnaires submitted to their member states by the E.U.R. allow measuring the actual progress and development of the profession in more than 20 years based on the model of the Austrian and German Rechtspfleger.

The latest study of the European Commission for the Efficiency of Justice (CEPEJ) entitled „Report about the European Legal Systems – Edition 2008“ and published in October this year mentions in chapter 8 which is dedicated to the non-judicial personnel at the courts: *„The existence of competent personnel besides the judges with an approved status and approved functions is an essential condition for the effective functioning of the legal bureaucracy. A special category of the non-judicial*



personnel is the Rechtspfleger inspired by the German system. In the model statute of the European Union of Rechtspfleger, a Rechtspfleger is defined as follows: an independent organ of the judiciary with competences assigned to him by law. The adoption of the German system of Rechtspfleger can be stated in several member states (Bosnien-Herzegowina, Croatia) or, there are considerations going on in other countries which might effect its adoption.“

The study of the CEPEJ comprises in 43 member states of the Council of Europe 12 states having personnel who exercise functions of Rechtspfleger or similar professions.

The Green Paper of the E.U.R. is perfectly in line with the aims of the European Union, in particular those of „a coherent law on European level which – without turning the national legal system – must not confine itself to the least common denominator and, also not just to direct the transnational aspects of a conflict“ (Franco FRATTINI, former Vice-President of the European Commission).



IV. Range of Competences of the Rechtspfleger / Greffier In Europe (European Rechtspfleger)

A) Administrative Tasks

The Rechtspfleger performs administrative tasks as

- **Court Manager:**

He is responsible for the smooth functioning of the office services in the whole court and is fit up with an extensive authorisation of the president of the court. He is responsible for the employment of personnel and the assignment of personnel as well as of work equipment, for example EDP. He is supervisor of all executive officers of the court administration, all staff members of the registry in the judicature, the transcript service, records management (archive), the central entry, the post room, the telephone exchange, the typists, the constables, the doormen and the other services.

- **Executive Officer and Official in Charge:**

He is responsible for the work on personnel matters, the prompt payment of the salaries, the budget and fundraising matters, the administration and security of the court building, the electronic data processing, etc.; he supports the court manager.

- **Local Auditor:**

He is the representative of the state treasury, authorised examiner for the calculation of the legal charges as well as head of division for cost and cash desk questions.

- **Head of court cashier**

- **Supervisor of the registries**

B) Jurisdictional Tasks

The courts are assigned to protect the legal interest of the individual as well as to settle disputes or to decide on it.

The Rechtspfleger performs the functions assigned to him by law, particularly at the local courts, i.e. the front line of legal life. According to the code of procedure he performs these tasks of jurisdiction under the responsibility of the court without any commitment to instructions of his supervisor with objective independence. Furthermore, the Rechtspfleger assumes almost all tasks of the execution of a sentence in place of the prosecutor.



1. Court of First Instance (Local Court)

- a) Association matters
 - Emergency appointment of the executive committee
 - Authorisation of members to call a meeting
 - Decisions about registrations and handling the register
- b) Taking of statutory declarations in the cases of
 - reporting
 - composition proceedings
 - examination and custody of matters as well as sell of pledges
- c) Lease loan matters according to the lease loan law
- d) Register matters of matrimonial property law
 - Decisions about registrations and handling the register
- e) Certifications including receipt of the declaration
- f) Matters of disappearance
- g) Matters of land register
 - Decisions about applications for registration for
 - Acquisition of real property by purchase, donation or case of succession
 - Ordering rights of abode, rights of ay and other easements
 - Entries of mortgages and mortgage loans for safeguarding of loans in business life as well as for building loans
 - Creation of real estate property of condominiums and heritable building rights
 - Changing of rights, f. ex. assignment of mortgage loans, cessation of mortgages and mortgage loans after reimbursement of the loan, changing of order of priority
- h) Maritime register and ship construction register matters
- i) Matters of register for liens related to aircrafts
- j) Judicial sale and forced administration matters
- k) Appropriation procedures to be performed apart from the judicial execution
- l) Appropriation procedures to be performed apart from the judicial sale
- m) Other legal appropriation procedures
- n) Tutelage, family and supervision matters as well as law of civil status
 - Decisions within the scope of property management for matrimonial children
 - Divestment of the property management in case of danger
 - Decisions about questions concerning the parental care and legal representation in case of disturbances of the parental right
 - Divestment of the legal representation in case of clash of interests
 - Appointing supplement guardians
 - Appointing tutelage for underage orphans



- Selecting a (legal) guardian
 - Appointing a (legal) guardian
 - Committing the (legal) guardian
 - Supervising the (legal) guardian
 - Receipt of the statements of accounts and accountings
 - Discharge of the (legal) guardian in case of irregularities
 - Decisions about approvals of the guardianship court
 - Analogous tasks for needy adults
 - Acknowledgement of paternity
 - Acknowledgement of alimony
 - Marriage ceremonies
 - Decision about divorces by mutual consent
 - Certification regarding the change of the joint custody
 - Proprietary agreements
 - Waiver of publishing the marriage
 - Authorisation of the spouse to act for the other
 - Replacing the agreement of the spouse being prevented from approval
 - Change of the family or Christian name
 - Approval for adoption
- o) Probate law matters
- Certification of testaments
 - Formal hearing of the will of testaments and contracts of inheritance
 - Decision about the legal order of succession and issuing the certificate of inheritance at legal succession and testate
 - Instruction for a tutelage of the legal estate or administration of the legal estate in case of insolvency of an estate or if there are no heirs
 - Selection, appointment and supervision of the curator or executor of the estate
 - Legal approvals for legal transactions of the curator or executor of the estate
 - Mediation among several heirs in case of disputes and divestiture of the legal estate in a special procedure
- p) Commercial and register matters
- Decisions about registration for
 - Individual merchants
 - General partnerships
 - Limited partnerships
 - Companies with limited liability
 - Public limited companies
 - Surveillance of commercial books
 - Grant of a license to practise a trade



- q) Civil status and civil status register matters
 - Award of citizenship
 - Certification of change of name for persons under age
 - Granting of a mandate for election
- r) Performance of insolvency procedures
- s) Civil litigations
 - national orders for payment procedure
 - European orders for payment procedure
 - European measures of enforcement
 - Cancellation proceedings
 - Procedures regarding legal aid
 - Procedures regarding counselling services
 - Procedures regarding the assessment of alimony for illegitimate children
 - Procedures regarding the simplified assessment of alimony for matrimonial children
 - Issue of enforceable original copies under special legal conditions (bequest, successor of a company, provision of a return service or a bail)
 - Garnishment of claims
 - Escrow matters
 - Decisions in enforcement procedures
 - Assessment of lawyer and legal costs
 - Encashment of taxes and tollages
- t) Exertion of the function of a notary
- u) Appointment of arbitrators for cases provided by law
- v) Legal decisions for electoral matters

2. Penal Jurisdiction, Prosecution

Whilst the penal action is the task of the prosecution and the judge decides about the guilt of the accused as well as apportions the fine when indicated, the enforcement of the judgement (= execution of the sentence) remains in the hands of the Rechtspfleger.

The Rechtspfleger must verify the non-appealability of the verdict, as for fines to demand the payment and, to decide on demand if a respite (= delay) or paying by instalments can be granted. If the fine is not paid, he can effectuate the collection by force or, order the enforcement of the custodial sentence in case of bad debts. In case of custodial sentences the Rechtspfleger effectuates the summoning to serve the penalty, in doing so he can issue an arrest warrant for the belated convict or a warrant of apprehension for the absconder. If the convict has accepted his custodial sentence and is imprisoned, it remains in the hands of the Rechtspfleger to supervise the duration of the imprisonment based on the verdict since an imprisonment exceeding the penalty would represent an illegal restraint.



C) European Institutions and Courts











The European Rechtspfleger is also deployable at the European institutions and courts as an organ of jurisdiction and administration



V. Training of the European Rechtspfleger in Europe

European Training

A) Present training level in Europe for Rechtspfleger and similar professions

Country	Training
 Denmark	Three years basic training at a professional school for office occupations and an internship organised by the administration of the court
 Germany	Three years studies at the university of applied sciences for judicature with the academic degree „Diplom-Rechtspfleger“
 Estonia	Internship organised by the Ministry of Justice
 France	Studies of law at the university with final diploma after a) 3 years for Greffier en Chef b) 2 years for Greffier then 18 months training at the École Nationale des Greffes in Dijon as well as obligatory advances training of 10 days per year within five years after completion of the training
 Italy	Some courses per year; no training in a university of applied sciences or professional school
 Luxembourg	Theoretical training of five months at the training institute of administration; preliminary appointment as trainee with theoretical exam; three years after that administration exam; final appointment after successful administration exam; three years after that possibility for doctorate
 Netherlands	Extra-occupational training
 Norway	University degree and university of applied sciences
 Austria	Training at the school of justice
 Rumania	National school for Greffier



B) Uniform European Training for the European Rechtspfleger

The European Secretaries of Education decided on their Conference in Bologna in 1999 to align the national degree programmes of the colleges, mainly to make them more comparable, last not least so as to increase the mobility of the students and degree holders. This idea is to be adopted for the European Rechtspfleger as a uniform occupational image within a single area of justice of the European Union.

The degree programmes in a uniform judicial training within the European Union shall be generally performed in a vocational qualification 1st section (Bachelor-studies) and in a 2nd specialising section (Master-studies). The Bachelor of Law (Baccalaureus juris) finalises with the state examination.

The specialisation for the European Rechtspfleger is followed by an internship (preparation for Rechtspfleger).

Following the particulars of the training:

	Training	Duration
1st Stage	Studies of Law, Wide basic training including theory Degree: state examination as Bachelor of Law	Begin of studies 3 years
2nd Stage	Training for Rechtspfleger (preparation) at the courts and prosecution	1 year
3rd Stage	Appointment as Rechtspfleger	
optionally 4th Stage	Master studies including internship specialisation Degree: state examination as Master of Law	2 years
	Judicial professions: - Lawyer - Judge - Prosecutor - Notary - Higher administration service	



1st Stage

Basic studies of law at the university or college of higher education with a duration of three years.

Subject Matter:

- Substantive and procedural civil law
- Enforcement law, such as
 - General enforcement law
 - Insolvency law
 - Judicial sale law
- Family law, such as
 - Marriage law
 - Divorce law
 - Alimony law
- Tutelage and guardianship law
- Probate law
- Procedural and substantive land register law
- Register law
- Procedural and substantive criminal law
- Enforcement law
- Substantial and procedural administration law
- Constitutional law
- European law

In addition, exams which are taken into consideration for the overall score after the state exam are written.

2nd Stage

After successfully passing the state exam, an internship for Rechtspfleger (preparation) is to be completed both in the courts and at the prosecution. The admission is subject to a selection procedure. The duration of the internship is one year.

Subject Matter of the Internship

- a) Non contentious jurisdiction
 - Family and guardianship law
 - Probate law
 - Land register law
 - Commercial and company law
 - Commercial and association register, matrimonial property law, commercial register, maritime register, register of aircrafts
 - Authentication law
 - Safeguarding of the property by sealing



- Assignment of authorisation for electing
- Decision about award of citizenship

b) Criminal Cases

- Execution of a sentence including issuing of arrest warrants and writs of habeas corpus as well as warrants of apprehension
- Approval of extension of payment and payment by instalments for fines, Ruling for the enforcement of alternate custodial sentence or prevention of the custodial sentence by performing charitable work
- Prosecution in front of the local district courts

c) Civil Matters

- National orders for payment procedure
- European orders for payment procedure
- Judicial sale and sequestration of real property
- Insolvency procedures
- Allocation procedures
- Assessment of costs
- Furnishing order for payment procedure
 - Garnishment of claims
 - Stay of execution
 - Taking of statutory declaration by disclosure of property
- Alimony procedures
 - Issuing and change of maintenance orders
- Hearing of witnesses
- Request for mutual legal assistance
- Decisions in matters of legal aid
- Decisions in expert opinion matters
- Restitutio in integrum

d) Administrative Tasks

- Court manager, head of division
- Head of division resp. executive officer for personnel matters (civil servants, employees)
- Head of court cashier
- Supervisor of registries
- Employment and appointments
- Preparation and enforcement of budget
- Building administration



3rd Stage

Appointment as Rechtspfleger with the competence to make decisions in the non contentious jurisdiction as independent organ of the judicature whereby appeals to the next instance are admissible.

The appointment as Rechtspfleger as a civil servant or employee is subject to the individual states and is ruled based on the Constitution of the various countries.

4th Stage (optionally)

Further studies to the Master of Law including a legal clerkship. These studies can either

a) be added to the training as Rechtspfleger (stages 1 through 3) whereby the legal clerkship may be shortened by recognition of the training stages 1 and 2,

or

b) be added to the basic studies as Bachelor of Law.

Contents of Studies:

- Consolidation of the previous fields of law
- Specialisation in other fields of law

In addition, exams which are taken into consideration for the overall score after the state exam are written.



VI. Positive Effects of Assigning Tasks to the European Rechtspfleger

A) The European Jurisdiction is Growing

The **European jurisdiction is growing**, on the one hand territorially by the admission and the accession of other European countries, on the other hand intellectually due to searching a common reference frame for a European civil right, the advancing harmonisation of the national systems of justice as well as the consolidation of the community law. Herein, i.e. in the creation of a democratic, social and constitutional sphere, in the creation of an always tighter union of the peoples, solely lies the future of Europe. Therefrom the justice-political mandate of the European Union is derived in term, which means **the vision of order in a space of freedom, security and justice** (refer to Art. 3 Sect. 2 EUV and Art. 67 Sect. 1 AEUV). More and more citizens of the European Union are searching for and find access to the law, in fact both on national and cross-border level. This can also be confirmed by looking at the European „Regulation on the Service“ (being in force since May 31, 2001), the European Insolvency Code (being in force since May 31, 2002), the European Execution Warrant Decree (valid since October 21, 2005), the European Order for Payment Procedure Decree (coming into effect on December 12, 2008) as well as the Small-Claims-Decree, which will come into effect on January 1, 2009. Furthermore Art. 86 of the Contract concerning the way of cooperation of the European Union recommends the establishment of a European Prosecution, thus to advance the **judicial institutionalisation** on European level. It may be assumed that the number of cases with cross-border importance will increase considerably. *The law in Europe will stop no more in front of the borders.*

The successive development of this space implies, however, that the **tasks of the courts** are steadily increasing and, that the **resources of judiciary** are made use of increasingly. Involved hereby are dangers such as an exceeding duration of the proceeding, the development of shortcomings of justice and, last not least the loss of confidence within the population. Furthermore, serious problems regarding the budget, which do not only affect the households of the courts, are connected with a higher work load of the courts. Since the European Union is also based on a constitutional pillar, there is an almost existential value to the solution of these structural problems. In order to face this challenge the Union must search for **judicial-political** concepts which are suitable to support the extension of the European jurisdiction.

The introduction of a **European Rechtspfleger** as an independent organ of the constitution of the courts represents such a concept. Therefore the debate must be engrossed within the context of the judiciary agenda if the introduction of a European Rechtspfleger strategically could not contribute considerably to establish and to guarantee well-functioning judicial systems. As more than 100 years of history of law have shown in Germany for example, the Rechtspfleger has proved to be a reliable and flexible garant for functioning judiciary structures. Significant hereby are his extraordinary scope of



tasks, his legal entity, his independence as well as his efficient cooperation with other organs of the constitution of the courts, i.e. judges and prosecutors.

Therefore it is justified to put the Rechtspfleger next to the judge as **second pillar of the third power**. Already Guy DE VEL, director of the Directorate-General of the Council of Europe, stated the following in a preface to the comparative study of the European Union of the Rechtspfleger regarding the subject „Rechtspfleger / Greffiers Legal Status and Tasks“: *„The Rechtspfleger is a guarantor for the efficiency of the jurisdiction. His judicial tasks as well as his non-judicial tasks contribute to improve the functioning of the courts, to supervise the legal proceedings as well as to accelerate the process.“* Therefore it is just consistent that the report *„European judicial systems. Edition 2008 (data 2006)“* of the European Commission for the Efficiency of Justice (**CEPEJ**) dedicates the **Rechtspfleger** a separate chapter (CEPEJ- Report I.c., page 123 et sq.). This chapter comprises 12 European countries where Rechtspfleger / Greffiers respectively comparable civil servants contribute considerably to the functionality and efficiency of the European jurisdiction. Mentioned are Germany, Austria, Bosnia-Herzegowina, Croatia, the Czech Republic, Estonia, Hungary, Island, Poland, Slovakia, Spain and Switzerland. From sight of the European Union of the Rechtspfleger France, Denmark, Norway, Rumania, Sweden, Finland, Belgium, Italy, Luxembourg, the Netherlands and Portugal shall be added. Furthermore, the associated members shall be mentioned from sight of the European Union of the Rechtspfleger, i.e. Morocco, Japan and Tunisia. Turkey is thinking about introducing the Rechtspfleger as an Organ of jurisdiction. *The European jurisdiction is growing and therewith the space for introducing the European Rechtspfleger.*

B) The Contract of Lissabon as a New Judicial-Political Point of Reference

The **Contract of Lissabon** signed by the heads of state and government dated December 13, 2007 of the 27 member states represents the most important judicial-political point of reference of European integration. In this contract the European Union points out its intention for a closer cooperation. Special attention should be paid to the fact that the Contract of Lissabon mentions in Art. 3 Sect. 2 EUV the vision of order of a space of freedom, security and justice prior to the introduction of the single European market according to Art. 3 Sect. 3 EUV. This fact does not only allow for the judicial success and advances of the past but must be understood as revaluation and order for the future law in Europe. As the development of the last decade as well as the creation of constitutional structures in Eastern Europe have shown, the *justice* is developing more and more to a „*drive unit of change*“ (Mark Leonhard, *Why the Future belongs to Europe*, page 65). However, **change** also means that the judicial systems must react more flexible and quickly. Thereby the **Rechtspfleger** has proven to be an especially important vector, i.e. a particularly important gain within the justice due to his universal and qualified training, besides the judge respectively prosecutor respectively notary. His vast and responsible scope of tasks and his status enable the Rechtspfleger to deal with a considerable part of the judicial matters in courts, prosecutions and administration.



Furthermore, the Contract of Lissabon provides the implementation of a **simplified closer cooperation** as additional component of integration (refer to Art. 20 EUV in connection with Art. 326 et sqq. AEUV). A closer cooperation is now possible in all fields of politics consequently also in the field of judicial cooperation. Lately (August 2008) about nine member states of the Union declared their willingness to cooperate closer in the field of divorce law. As for the **judicial cooperation** in the fields of civil matters and criminal cases it is ruled in Articles 81 and 82 AEUV.

Not only more and more citizens of the European Union are searching for and find law and justice but also the individual judicial systems **communicate** more and more with each other, even to such an extent that it means quite a challenge for the justice, i.e. the creation of the **European Judicial Network**, the extension of European **Law Portals** as well as the creation of European **Court Atlants**. In a press release of the European Commission dated June 23, 2008 the Vice President of the Commission *Jacques Barrot* argued that the European Judicial Network shall be provided with a new frame of law and additional means. Furthermore, Jacques Barrot stated: *„The European Judicial Network for civil and commercial matters is the central instrument to make Europe to an actual and concrete jurisdiction in civil matters in which the authorities and courts of the member states work together efficiently. We are building this space step by step, stone by stone in the service of our fellow citizens.“*

To be mentioned are also plans aiming at an accelerated institutionalisation (as for example the intended creation of a European prosecution, refer to Art. 86 AEUV). The **Supra-Nationalisation of Justice in Europe** shall be advanced step by step, which means new challenges again, the more so as the resources of justice are limited. The consequence means also a higher work load for the courts. Also in this point the introduction of a **European Rechtspfleger** represents an important factor for the stabilisation of the judicial systems. Finally, following the supra-nationalisation, scopes of tasks can already be stated now which do not have to be administrated by a judge or prosecutor. This is certainly the case since a requirement for judicial decree will generally not be necessary, in contrary, the practice of the courts in some member states assigns already now his **place** within the scope of the **communicating judicial systems**. Thus not only an important contribution for the implementation of the law, i. e. the constitutional integration of the member states is guaranteed but also a contribution to the functioning of a uniform single European market. This is clearly shown in Art. 81 Sect. 2 AEUV, the more so as the **connection functioning justice / unobstructed functioning of the single European market** has been fixed. Also after the Contract of Lissabon the European Union represents a special constitutional sphere in which the basic rights and the different legal systems and **legal traditions** of the member states are respected, refer to Art. 67 Sect. 1 AEUV. Based on a successful history of law of more than one century the **Rechtspfleger** has become part of the European legal tradition - *however, to a tradition which holds a considerable potential for the future, also with the Contract of Lissabon in the background.*



C) To Guarantee Better Access to Justice for EU-Citizens

In Art. 67 Sect. 4 AEUV it is recorded that the Union **facilitates the access to justice**. This effort of the Union to provide the citizen with better access to the justice can already be found in the „Programme of the Hague *for strengthening the freedom, security and justice in the European Union*“, which was accepted by the European Council on November 4/5, 2004 (ABI. C 53 dated March 3, 2005, page 1). Correspondingly the Union is appealed for developing a judicial cooperation in civil matters and criminal cases as well as for enacting measures which shall guarantee an **effective access to justice**, Art. 81 Sect. 2 lit. e AEUV. The proposal submitted by the *European Commission* in Brussels on June 23, 2008 for decision of the European Parliament and of the Council regarding the change of the decision 2001/470/EG of the Council about the creation of a European Judicial Network for civil and commercial matters is also dealing with cross-country relations of a better access to justice. The complex of problems of how to realise the **access to justice** in practice is linked herewith.

As the **Eurobarometer Report No. 292** of the European Commission, published in April 2008, has shown *more than half of the Europeans* are of the opinion at present that the cross-country **access to justice** in Europe is quite *difficult* (Eurobarometer No. 292, page 6). Consequently *74 percent* of the Europeans think that *additional measures* on EU-level must be taken to facilitate the access to justice for the EU-citizens.

In this connection should be mentioned what Guy DE VEL, director general of the Directorate-General of the Council of Europe stated in a preface of the comparative study of the E.U.R. in 2001: „*The Rechtspfleger plays an important role as a link between people and judge, thus he enables the citizen to get a better access to the court*“. As one glance on the situation of the **Greffier** shows there is no other occupation which is so closely related with each other as the ones of the judge and the greffier. Furthermore, the **Rechtspfleger** is in most cases, which he performs as autonomous and independent organ of the constitution of the courts, the primary and direct mediator of the law, i.e. the **link between citizen and law**. It has proved of value both legally and social-politically that the legal proceedings which are performed or attended by the Rechtspfleger do not foresee any **obligation to be legally represented** („*Justice direct*“). Thereby the citizen gets faster, less complicated and also cheaper access to his right, which is of central importance in the field of non contentious jurisdiction. Here the citizen is master of the procedure, he places the impulse for the beginning, the aim and the end of the procedure.

In this field as in all other fields it applies to avoid an asymmetry of information between citizen and finding of justice.

In this context the **Rechtspfleger** as a juridical-political concept also turns out to conform to the agenda of right of the European Union, which has defined itself in Art. 1 EUV as always getting closer union of the peoples in Europe and, in which decisions are made as open and responsive to the people as possible. The legal practice shows that the procedures performed and attended by the Rechtspfleger are marked by a maximum of being in touch with the needs of the citizens. In each phase of the proceeding the Rechtspfleger gets in **dialogue** with the citizen searching for justice - more touch and thus also more symmetry of information cannot be achieved. In this way the



Rechtspfleger helps to strengthen the citizen's position. So the Rechtspfleger helps the citizen to get his money back, issues certificates to prove his inheritance law, passes decisions to enforce the execution, maintains public registers which the citizen can review, assesses allowances and leads registries. Against this background it just seems consequent to incite consultations if the introduction of a **European Rechtspfleger** cannot contribute something considerable to allow the **access to justice**.

D) To Achieve Higher Public Confidence of the EU-Citizens with the Judiciary

According to the **Eurobarometer Report No. 290** of the European Commission, published in June 2008, *76 percent of the Europeans* are of the opinion at present that the member states shall show bigger efforts as far as the exchange of judiciary and police information are concerned. Generally, the citizens do not feel to be sufficiently informed at present about subjects related to the creation of a space of freedom, security and justice (refer to Eurobarometer No. 290, page 32). Whilst the majority of the citizens do, however, not wish at the moment to get more **information** about other political fields, the field of justice shows another picture. Here the Eurobarometer No. 290 documents the great interest of the citizens to get more information about the following subjects, i.e. on the one hand about the protection and defence of human rights, on the other hand also about the **quality of justice** (refer to Eurobarometer, l.c., page 32: „*The areas where people are most interested in receiving further informations are promoting and protecting fundamental rights, including children's rights and quality of justice.*“).

Synchronously herewith is the presentation in the **CEPEJ Report 2008, European judicial systems**, where the **public confidence** of the citizens with their judiciary systems is also dealt with (refer page 60 et sqq.). Also against this background it means to search for reliable judicial-political concepts which are suitable to provide a higher measure of confidence in justice based on their special being in touch with the needs of the citizens. The more *public confidence* there is, the higher measure of acceptance there exists within the Union. The citizen feels safer if he can get his right faster. The answer lies again in the introduction of the **European Rechtspfleger** who acts as part of the constitution of the courts in close neighbourhood of the citizen. Deciding are the tasks assigned to him, his autonomy and independence, which allocate to him a special *place* within the justice but also at *the citizen's side*. Finally, this also contributes to the success of the European project.

E) Evaluation of Justice – Avoiding Dysfunctionalities

Thereto in contradiction is a legal practice being formed by **permanent excess work** and **exceeding duration of proceedings** thus producing **considerable deficits of justice**. Not only considerable *economic disprofit* is thereby involved but also a *loss of confidence* of the population. In contrary, **Art. 6 of the European Commission on Human Rights** states that anybody has the right to try his disputes in front of an independent and judicial court, namely „*within an adequate period of time*“. In case of violation it means a violation of human rights which leads to a claim for compensation. In this connection should be mentioned that 44 European countries have got at present a legal compensation



system in order to face these **judicial dysfunctionalities** (CEPEJ-Report Edition 2008, European judicial systems, page 67 et sqq.). Also the European Court of Justice can order the member states to pay damages if an exceeding duration of proceeding can be stated. Thus, also here arises the question if the introduction of a **European Rechtspfleger** cannot contribute to remedy dysfunctionalities, to guarantee an adequate duration of proceeding and so to minimise the payment of **compensations**. Since the introduction of the **European Rechtspfleger** enables the judges and prosecutors to concentrate on their key tasks. These are based in the legal practice respectively the effective law enforcement whereby the demand on granting justice is guaranteed and the confidence of the citizens in the justice is restored. This gets especially clear for **routine business** within the field of judicial execution, for example in case of a national or European court orders but also in case of other routine business such as in the field of maintaining public registers (commercial and land register). As for example a lot of disputes subject to private law can be settled by the order for payment procedure which relieves the judges. Based on his comprehensive training and his vast scope of tasks the Rechtspfleger has proven to be particularly capable to take part in the fast implementation of innovative changes within the justice. Furthermore, since exceeding duration proceedings may sometimes result in exorbitant compensation payments, economies can be achieved thereby. Complementary in this respect is the recommendation of the **Council of Europe**, Committee of Ministers, **Recommendation No. R (86) 12, concerning measures to prevent and reduce the excessive workload in the courts**, which was accepted on September 16, 1986. Against the background of the steadily growing number of cases taken to court, the danger of an exceeding duration of proceeding and the high workload of the judges with non-judicial tasks, the recommendation to the member states has already been stated therein to think about the assignment of such tasks to qualified judicial civil servants according to the model of the Austrian and German Rechtspfleger. This idea conjoins with the idea of a **European Rechtspfleger**, an option with a considerable **competence of evaluation** within the scope of the space of freedom, security and justice. Simultaneously, reliable and flexible legal structures are created by the introduction of a European Rechtspfleger allowing a pinpoint balancing of justice. *More functions for the Rechtspfleger means to face dysfunctionalities effectively.*

F) The Efficiency of Justice – Synergy Effects

Finally, not only the evaluation competences of the European Rechtspfleger should be highlighted but also the **synergy effects** which are connected with the introduction of the **European Rechtspfleger**. The history of the German Rechtspfleger may serve as a model since it is closely related with the history of the **reformation of justice**. *The history of the German Rechtspfleger is the history of the evaluation of justice.* Especially at times of *narrow budgets* the juridical-political development of the Rechtspfleger was advanced. This does not mean that he is in counterbalance with the judge but a further and cost-saving moment of balance. Judges and Rechtspfleger are incumbent to help the citizen to get his right. The introduction of the Rechtspfleger opens up the possibility for the justice to face the *„egregious waste of time of the judges“* (Adickes in 1906). Thereby it is of central importance that the judges are concerned with a variety of *tasks and routine business* which cannot be allocated to jurisdiction but is just *preventative and precautionary*, for example tasks in the non contentious



jurisdiction and judicial execution. As for an efficient, dynamic and also cost-saving justice it is, however, required that the judges can concentrate on the decision of legal disputes as well as the exertion of penal jurisdiction and delegate not necessarily judicial tasks to qualified civil servants, for example the Rechtspfleger. Same applies for the prosecutors. **Synergies** might come up due to the fact that non-judicial tasks are assigned to Rechtspfleger, who have shown to be in practice a cost-saving alternative as against the appointment of additional judges. Furthermore, the redundant judges can address themselves to the real judicial tasks and work in the fields of a special overload. An **effect on the budget** can be seen in so far as the appointment of additional judges can be avoided. Moreover, the complete assignment of tasks to the Rechtspfleger might avoid provisos and involved double competences which are at present responsible for a considerable disorganisation of the procedures regarding the proceedings as well as organisation in the courts. *Synergies are achieved in so far as a **higher degree of economy** of the proceeding can be achieved.*



VII. Conclusion

The European Union of the Rechtspfleger recommends to the Ministers of Justice of the States of the European Union on the basis of Recommendation No. (86)12 of the Minister Committee to the Member States about certain measures for the accomplishment and reduction of the excess of work (passed by the Minister Committee on September 16, 1986 in the 399. Conference of the Representatives of the Ministers according to Art. 15 b of the Statute of the Council of Europe) as well as the results of the CEPEJ (European Commission for the Efficiency of Justice) to assign tasks of the judicature and administration of justice to senior civil servants of the justice and to introduce an occupational image according to this green paper. This will lead to an efficient justice being in touch with the needs of the citizens.

As far as the tasks are not ranked within the justice, this occupational image can also be established in other institutions (fox example notary's offices).

Furthermore, the European Union of the Rechtspfleger recommends in accordance with the results of the conference of the European Secretaries of Education in Bologna from 1999 to adjust the juridicial training at the universities in accordance with the proposal of this green paper. This serves for the uniform qualification of the uniform occupational image of the European Rechtspfleger.