

# Judicial Training Needs Assessment and Training Action Plan - Application of the EU Charter of Fundamental Rights

## ALBANIA



Kingdom of the Netherlands



ЦЕНТАР ЗА ПРАВНИ  
ИСТРАЖУВАЊА И АНАЛИЗИ  
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# **Judicial Training Needs Assessment and Training Action Plan - Application of the EU Charter of Fundamental Rights**

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## List of Acronyms

<b>CJEU</b>	Court of Justice of EU
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>EUD</b>	Delegation of the European Union to Albania
<b>HJC</b>	High Judicial Council
<b>HPC</b>	High Prosecutorial Council
<b>HJI</b>	High Justice Inspector
<b>MoJ</b>	Ministry of Justice
<b>RoL</b>	Rule of Law
<b>SoM</b>	School of Magistrates
<b>TNA</b>	Training Needs Analysis

## 1. Introduction

The project “Strengthening regional judicial cooperation in the Western Balkans for effective litigation before the Court of Justice of the European Union and the implementation of the EU Charter of Fundamental Rights,” supported by the Government of the Kingdom of the Netherlands, aims to strengthen knowledge and practical application of the EU Charter of Fundamental Rights (the Charter/ the CFREU) and procedures before the Court of Justice of the EU (CJEU) by Albanian judges and prosecutors.

This Training Needs Assessment (TNA) assures a comprehensive approach to identify the needs for the training of judges and prosecutors in Albania on the EU Charter on Fundamental. It is based on the “Guideline on the Challenges to the Implementation of the EU Charter of Fundamental Rights, The case of Albania”, prepared under this project and on the recommended practices of the EU Strategy for the Trainings of Judges 2021–2024, EJTN, FRA, etc. The target group for this TNA are primarily the judges and prosecutors of Albania, as well as the state advocates and supporting staff for judges, while the implementing institution is the Albanian School of Magistrates (SoM). The TNA is prepared in close cooperation with the Albanian School of Magistrates.

As an essential preparatory step, a pre-consultative process was launched with the School of Magistrates in Albania to ensure early communication on the preparation of the Training Needs Assessment (TNA) and align it with the institution’s strategic priorities, training formats, and operational frameworks. This serves to validate the scope, objectives, and methodology of the TNA and incorporate the SoM perspective on priority themes, target audiences, and delivery mechanisms. By involving the SoM leadership and key academic staff from the outset, the process aims to foster institutional ownership, enhance the relevance of the training outputs, and ensure the long-term sustainability of capacity-building measures related to the EU Charter of Fundamental Rights. This pre-consultation will also help identify entry points for integrating Charter-based modules into both initial and continuous training streams, and may guide resource planning, potential partnerships, and coordination with judicial governance bodies.

This Training Needs Assessment (TNA) is designed to provide a structured, evidence-based approach to identifying current gaps in knowledge, skills, and attitudes (KSA) among judges and prosecutors in Albania with regard to the effective understanding, interpretation, and application of the EU Charter of Fundamental Rights. The overall aim is to support the design of a competency-based training programme that is directly aligned with the challenges and requirements of Albania’s path toward EU accession, and the increasing relevance of EU law in domestic adjudication.

The TNA covers all levels of the judiciary and prosecution service, including all courts, specialised courts, such as those dealing with corruption and organized crime, prosecutors of all levels in the Republic of Albania, key judicial governance and oversight institutions, such as the High Judicial Council (HJC), High Prosecutorial Council (HPC) and state advocates and supporting staff to judges.

The assessment spans different and seeks to understand how and to what extent judges and prosecutors and other lawyers in the country:

- Know the Charter as part of the EU law;
- Have an information on the Charter's applicability;
- Are aware of how the Charter's provisions are interpreted in the European Court of Justice (ECJ) jurisprudence;
- Charter's rights and principles are balanced in adjudication;
- If, and how, the Charter, can be used alongside the European Convention on Human Rights (ECHR);
- If, and how, the Charter can be used in the domestic law legal reasoning.

The TNA seeks to build institutional and individual capacity to ensure that judges and prosecutors and other layers are aware of the Charter's content and legal status, and are able to translate its provisions into practical adjudicative outcomes, fostering rights-respecting, EU-aligned jurisprudence in Albania.

The TNA is based on a comparative gap analysis between current competencies and desired competencies. It aims to foster the following knowledge, skills and attitudes:

- **Knowledge:**
  - Legal status of the Charter as primary EU law; Articles 6 TEU, 51–54 CFREU
  - Scope of the Charter ("when Member States are implementing EU law") and relevant ECJ case law (Fransson, Åkerberg, Melloni, etc.)
  - Distinction between rights and principles (Art. 52(5))
  - Relationship with the ECHR and the national Constitution (Art. 52(3), 53)
  - Horizontal effect of some Charter provisions (e.g., Articles 21, 31(2), 47)
  - Use of the proportionality test (Art. 52(1))
- **Skills:**
  - Identify whether a case falls within the scope of EU law
  - Apply and interpret Charter rights in judicial reasoning
  - Integrate ECJ jurisprudence
  - Draft preliminary reference questions when applicable
  - Perform comparative reasoning between Charter/ECHR/constitutional rights
  - Design effective remedies (Art. 47)
- **Attitudes:**
  - Openness to EU judicial culture
  - Self-reflection regarding domestic limitations vs EU standards
  - Sensitivity to anti-discrimination and social rights.

The preparation of this TNA was inclusive, taking into account relevant professional groups and their respective legal and functional competences. The TNA Report was developed according to the functional roles in the SoM, and the specific requirements per each of its units, including central and local offices. It identifies gaps and shortcomings in the implementation of the legislation, maps the skills and knowledge gaps between present competences and the desired competences, and agrees on a line of actions for the development of the training concepts on which the training activities will be delivered in the near future through this project. Through this TNA the variety of training methods are also explored.

## 2. Methodology

The TNA was prepared based on a variety of methods, which assured an overall inclusive approach in identifying training needs on the EU Charter of Fundamental Rights.

To ensure a comprehensive understanding of the training needs of judges and prosecutors and other lawyers, this TNA employed a mixed-methods approach, combining both quantitative and qualitative data collection and analysis tools. These methods ensured inclusivity, allowing that findings from one method are cross-validated with those from the other one, increasing reliability, credibility, and depth of the assessment. By integrating different types of data, the TNA captures the measurable indicators, such as levels of knowledge or frequency of reference to the EU Charter, as well as the more nuanced experiential insights, including the attitudes, perceptions, and practical challenges that magistrates face when dealing with the EU Charter of Fundamental Rights in real-world settings.

The utilised methodology allowed for the representation of diverse profiles, i.e. judges/prosecutors from various court, regions of specializations, and years of experience, the development of tailored training interventions that address not only technical knowledge but also practical application and professional mindset. It also allowed for the validation of findings through stakeholder dialogue via interviews and focus groups. The tools generated structured, quantitative data that could be cross-referenced with other methods, ensuring the triangulated and inclusive assessment process.

The following methods were used in the course of the preparation of this TNA:

- Desk Review and Legal Mapping
- Case Law Analysis
- Benchmarking
- Brief online Questionnaire
- Semi-Structured Interviews
- Focus Groups.

### - Desk Review, Legal Mapping

As a first step in the assessment process, a thorough desk review and legal mapping exercise was conducted. A “Guideline on the Challenges to the Implementation of the EU Charter of Fundamental Rights” of May 2025 examined a range of reports and findings from relevant institutions. These sources provided their insight into recurring legal issues, rights-based challenges, and instances of alignment or divergence from EU fundamental rights standards.

The findings from this combined review are used to develop a thematic map of legal and knowledge gaps, particularly in areas such as data protection, effective remedies, anti-discrimination, and social rights. This map will serve as a foundational tool to guide the design and prioritization of targeted training modules.

### - Case Law Analysis

A targeted check of judicial decisions was conducted to assess if and how judges currently engage with the Charter in practice and map the presence of references to the Charter in judicial reasoning.

The search focused on the decisions of the Supreme Court of Albania issued during the last five years, be those of the civil, criminal or administrative sections, and explored if the Charter is referred to in a judicial decision and if yes, how it is integrated into the court's legal reasoning. It was conducted primarily through the official website of the Supreme Court of Albania, complemented by references from legal databases, including the Buletin published by the Supreme Court. Key terms of research included "*EU Charter of Fundamental Rights*", and "*EU law on fundamental rights*".

The review aims to determine the presence or absence of Charter-based arguments and evaluate the depth and accuracy of legal interpretation where the Charter is invoked and if there are conceptual misinterpretations regarding the Charter's scope and its applicability.

### - Benchmarking

In addition, practices of the EU Strategy for the Trainings of Judges 2021–2024, EJTN, FRA, are explored to identify the focus on the EU Charter in such documents. A comparative insight of the judicial schools of EU countries, such as Italy, France, or others will allow for a benchmarking approach which identifies the best practices around European countries. This comparative review is essential to ensure that Albania's judicial training framework aligns with European standards and benefits from tested content focused on the practical application of the Charter.

### - Brief Online Questionnaire

An essential component of the TNA is a brief online questionnaire, distributed to a sample of around 100 judges, prosecutors, supporting staff to judges and state advocates, with the support of the SoM. The survey used a Likert-scale format to quantify respondents' self-assessed levels of familiarity with the EU Charter's provisions, and preferences for future training topics. The survey explored perceived obstacles to the effective application of the Charter, such as insufficient access to updated legal materials, lack of clarity on the Charter's scope, linguistic barriers, or limited institutional support.

### - Semi-Structured Interviews

A core component of the TNA consisted of conducting a series of semi-structured interviews with a broad range of key stakeholders from within and beyond the judiciary. Interviewees were conducted with representative members of the School of Magistrates, the High Judicial Council (HJC) and High Prosecutorial Council (HPC). To ensure a comprehensive institutional perspective, the EU Delegation in Albania and the Ministry of Justice (MoJ) were also interviewed, especially in regard to their role in supporting alignment with EU law and contributing to capacity-building initiatives.

This process ensured the TNA is not only informed by doctrinal and curriculum-based findings, but also grounded in institutional realities and perspectives, aiming a more accurate and effective TNA.

### - Focus Group

To complement the survey and interview findings, the methodology included the organization of one dedicated focus group discussions involving participant from the initial training programme of the continuous training programme of the School of Magistrate. This focus group ensured diverse representation which aimed at identifying a richer understanding of how needs and challenges on the Charter vary across different judicial profiles.



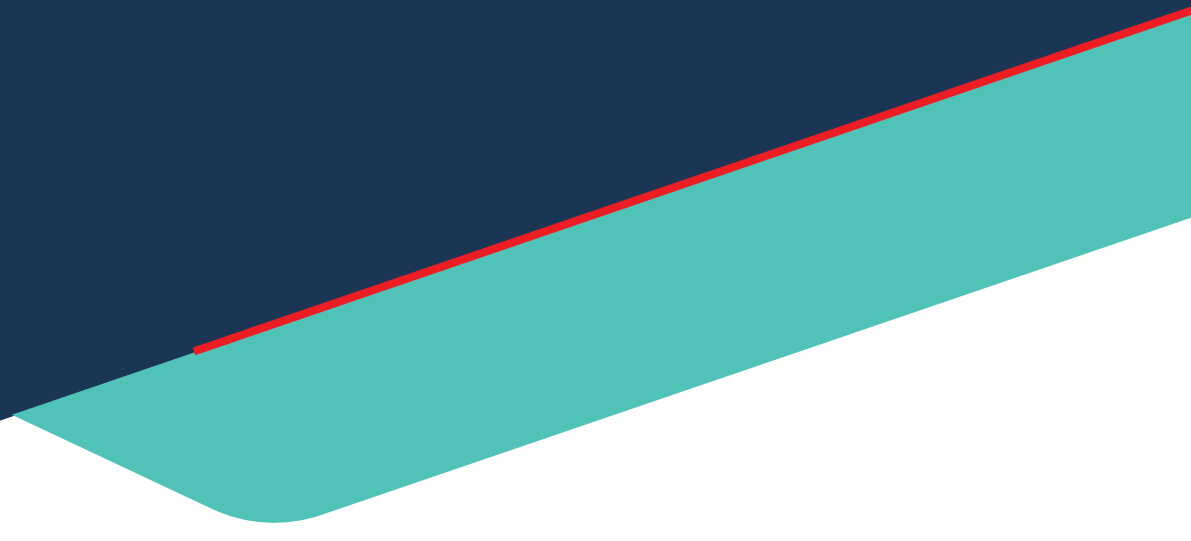
### 3. THE EU CHARTER and capacity building needs for Albania

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The Charter of Fundamental Rights of the European Union plays a crucial role in safeguarding human rights within the EU. While challenges exist, continued legal and political commitment is necessary to ensure its effective implementation and protection of fundamental freedoms for all EU citizens. Member states often encounter challenges in fully applying the Charter.

Albania has made notable progress in the European integration progress. Human rights related areas or judicial related, especially as related to legal reform in judiciary, anti-discrimination, minority rights, data protection have been revised aiming to align, among others, with the Charter. However, the gap between legal alignment and actual enforcement remains present. The Charter, while not yet directly applicable in Albania, plays a key role in shaping expectations for candidate countries in the EU accession process and is increasingly referenced in national law and judicial reasoning.

A number of central institutions, including the judiciary, play central roles in fundamental rights protection, their engagement with the Charter remains limited in depth and scope. Training initiatives, institutional integration, and public awareness of the Charter are underdeveloped. Academic literature and case law referencing the Charter are sparse, and its use as an interpretive tool in the courts is still in early stages.



Furthermore, challenges persist in judicial efficiency, implementation of oversight recommendations, and rights enforcement, particularly in areas such as freedom of expression, minority rights, and judicial independence. Despite EU support and Charter awareness efforts, Albania still needs to consolidate the practical application of the Charter principles across all state functions.

For EU candidate countries, like Albania, the Charter is not directly binding until membership. However, alignment with the Charter's values and principles is a de facto prerequisite for accession. The EU's founding treaties and the Copenhagen criteria require any candidate to demonstrate "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities"<sup>1</sup>. This means that Albania must revise its legislation and administrative practice to ensure they uphold fundamental rights equivalent to EU standards.<sup>2</sup> The EU accession process requires adoption of the EU's *acquis communautaire*, which increasingly incorporates Charter principles. While the Charter's provisions will formally apply to Albania only upon EU membership, preparing for membership necessitates embedding the Charter's norms into Albania's legal and institutional framework. The European Commission's "fundamentals first" approach to enlargement puts rule of law and fundamental rights at the forefront of negotiations, underscoring that progress on human rights is decisive for overall accession progress.<sup>3</sup> Also, specific training programs on EU fundamental rights, including the Charter, are key to the requirement of incorporating the Charter principles. The European Commission's judicial training strategy for 2021–2024 explicitly calls for embedding EU law and the Charter in national training activities;<sup>4</sup> Several EU supported projects have supported the School of Magistrates (SoM) in addressing the Charter, however, no dedicated training have been provided to the topic as a whole, as well as no dedicated materials are produced on the Charter and the ECJ caselaw in the Albanian language. It is imperative for the SoM to address in its annual training programs topics on the CFREU and to work on respective written literature in the Albanian language.

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1 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Commission Opinion on Albania's application for membership of the European Union [SEC(2010) 1335], at: [https://aei.pitt.edu/44521/1/Albania\\_opinion.pdf#:](https://aei.pitt.edu/44521/1/Albania_opinion.pdf#:) (pg. 4).

2 Several of the CFREU rights overlap with the ECHR rights, and Albania as an EU candidate is already signatory to the ECHR and other human rights treaties.

3 Conference on accession to the European Union – Albania – Brussels, 11 April 2025 (OR. en), European Union common position – Cluster 2: Internal Market, accession document, states that "The EU recalls that EU/EEA exhaustion of rights is a fundamental principle that underpins the single market, and that must be complied with by all Member States upon accession". See at: <https://data.consilium.europa.eu/doc/document/AD-4-2025-INIT/en/pdf>

4 See at: <https://ejtn.eu/news/celebrating-25-years-of-fundamental-rights-in-the-eu/#:~:text=tribunal>

## 4. Analysis of findings related to training needs on CFREU

*This section focuses on the findings from the methodology employed, including the Guideline, meetings with SoM and other external stakeholders, as well as an online Questionnaire, and the focused groups.*

#### 4.1 Findings from the SoM legislation and institutional framework

The School of Magistrates, established in 1996, is a public legal entity.<sup>5</sup> Its purpose is to organise initial training of candidates for judicial and prosecutorial positions and continuous training of judges and prosecutors, as well as other actors such as state advocates, with the aim of increasing the quality of justice delivery, as a service to citizens and strengthening the rule of law.<sup>6</sup> In 2016, the constitutional reform, revised the criteria for the appointment of judges including fulfilment of the initial training with the SoM.<sup>7</sup> A set of laws, including the law no 115/2016 “On governance bodies of the justice system”, law no. 96/2016, “On the status of judges and prosecutors in the Republic of Albania”, law no. 97/2016, “On the organization and functioning of the prosecution”, law no. 98/2016 “On the organization of the judicial power”, and law no. 84/2016 “On the transitional re-evaluation of judges and prosecutors” entrusted SoM with the preparation, qualification, and continuous professional education of magistrates, judges and prosecutors, and other target groups such as the state advocates or support staff to judges, as well as with the development of training modules. The SoM functions under the supervision and coordination of the High Judicial Council (KLGJ) and the High Prosecutorial Council (KLP), which determine admission needs, training priorities, and performance evaluation standards for magistrates. The SoM has adopted a number of internal Rules and regulations, including the Internal Rules, a Code of Ethics, and Conflict of Interest Regulations, ensuring transparency, accountability, and ethical conduct among its members.<sup>8</sup>

The internal governance and organization of the SoM include the following main organs:

- The governing board, as the highest decision-making body that approves strategic plans, curricula, annual quotas for candidates, and the School’s budget; oversees institutional management and alignment with national justice policies
- Pedagogical Council, as the Advisory academic body which designs, evaluates, and updates the academic and professional training programs, ensuring alignment with EU and Council of Europe standards
- The Disciplinary Commission, which ensures compliance with ethical and professional standards by handling disciplinary cases related to staff or trainees;
- The Assembly, which is the Consultative forum including staff and academic personnel.

In addition, the SoM structure includes an Advisor for European Integration Issues,<sup>9</sup> which prepares, programs, plans, ensures and implements methodologies for European integration and foreign relations issues, promotes the inclusion of scientific projects within the framework of European integration in the teaching process, encouraging the involvement of candidates, judges, prosecutors, etc., mediating in the participation of the SoM in them.

The SoM Initial (Pre-Service) Training Program, is a three-year academic and practical program preparing future magistrates (judges and prosecutors) through blended theoretical and field education, while the Continuous (In-Service) Training Program, is designed for sitting judges and prosecutors, focusing on legislative updates, EU law, human rights standards, ethics, and case management.

5 <https://www.magjistratura.edu.al/sq/korniza-ligjore>

6 See at: [https://admin.magjistratura.edu.al/uploads/Rregullore\\_e\\_Brendshme\\_e\\_Shkolles\\_se\\_Magjistratures\\_30\\_01\\_2025\\_1\\_1\\_compressed\\_2b3f973813.pdf](https://admin.magjistratura.edu.al/uploads/Rregullore_e_Brendshme_e_Shkolles_se_Magjistratures_30_01_2025_1_1_compressed_2b3f973813.pdf)

7 Article 134 of the Constitution.

8 See more at: <https://www.magjistratura.edu.al/sq/rreth-nesh>

9 See the SoM Internal regulation, as amended by Decision No. 43, dated 19.12.2024, at: [https://admin.magjistratura.edu.al/uploads/Rregullore\\_e\\_Brendshme\\_e\\_Shkolles\\_se\\_Magjistratures\\_30\\_01\\_2025\\_1\\_1\\_compressed\\_2b3f973813.pdf](https://admin.magjistratura.edu.al/uploads/Rregullore_e_Brendshme_e_Shkolles_se_Magjistratures_30_01_2025_1_1_compressed_2b3f973813.pdf)

The SoM also contributes to legal research, academic publications, and international judicial cooperation. It actively cooperates with the European Judicial Training Network (EJTN), the Council of Europe (CoE), and the EU-funded capacity-building projects in Albania. These collaborations reinforce the SoM's mission to align judicial education with European Union standards, human rights principles, and best practices in justice sector professionalization.

The SoM legislative logic embeds an obligation to ensure that magistrates are educated in the standards of EU law, the *acquis Communautaire*, and European human rights norms. The SoM governing legislation does not explicitly require the SoM to teach/train EU law, however the requirement of law no. 115/2016 "On the governance bodies of the justice system" requiring SoM to provide for capacity building activities for the justice sector actors with a purpose of strengthening the rule of law, implies such a requirement. The rule of law is a key EU accession criterion, part of Cluster 1: Fundamentals. Also, Law no. 96/2016 "On the Status of Judges and Prosecutors" and Law no. 98/2016 "On the Organization of the Judicial Power" require magistrates to uphold principles consistent with EU and international standards of justice and human rights. Therefore, the SoM training curricula needs to cover the EU law standards through its professional formation system.

The SoM's internal organization highlights that the Pedagogical Council explicitly has the duty to "design, evaluate, and update the academic and professional training programs, ensuring alignment with EU and Council of Europe standards." The appointment of the Advisor for European Integration Issues, responsible for "preparing, programming, and implementing methodologies for European integration and foreign relations; promoting inclusion of scientific projects within the European integration framework in teaching and research" supports this argument as well.

Such institutional framework demonstrate that the EU law training is not structurally embedded in the SoM's governance and daily work.

Both of the SoM's main programs incorporate EU-related components:

- Initial (Pre-Service) Training Program includes theoretical and practical modules where EU law, the EU Charter of Fundamental Rights, and the European Convention on Human Rights as part of the comparative and human rights law content, and
- Continuous (In-Service) Training Program, focuses on "legislative updates, EU law, human rights standards, ethics, and case management."

This second track confirms a recurring statutory and professional obligation to ensure that sitting judges and prosecutors stay aligned with EU standards.

The SoM's institutional partnerships reinforce its EU related mandate:

- Membership in the European Judicial Training Network (EJTN),
- Cooperation with the Council of Europe,
- Participation in EU-funded capacity-building projects in Albania.

Both through law (its founding and related justice reform statutes) and institutional practice (its internal governance and training mandates), the School of Magistrates has an explicit and ongoing obligation to focus on EU-related and EU law aspects.

## 4.2. Findings from the Guideline

The results of the “Guideline on the Challenges to the Implementation of the EU Charter of Fundamental Rights”, finalised in May 2025 under this Project are employed to inform the design of the Training Needs Assessment (TNA). The “Guideline on the Challenges to the Implementation of the EU Charter of Fundamental Rights” found that Albania has made substantial legal reforms in line with the EU Charter of Fundamental Rights (CFREU), including constitutional amendments and laws on judicial independence, anti-discrimination, data protection, and minority rights. However, there remains a notable gap between formal legal alignment and effective implementation. Enforcement of rights remains inconsistent and gaps between rights on paper and implementation are present in practice, including in the judiciary, media freedom, minority inclusion, and anti-corruption enforcement. Deeper understanding and engagement of rights and freedoms is needed in the country. This also includes a good understanding of the EU legislation, including the EU Charter.

The EU Charter, being a complex instrument in EU law, requires a high level of awareness and familiarity in Albania. Especially issues such as the scope of application of the Charter to Member States, its application in horizontal situations, the difference between rights and principles, the interpretation of the rights and principles in the Charter and the scope of application in relation to rights in the European Convention on Human Rights, necessitate a detailed engagement with the Charter itself, the case law of the Court of Justice and numerous reports issued by the European Union Agency for Fundamental Rights. Institutional awareness and use of the Charter are limited, particularly in court practice and legal reasoning, where references are rare, underdeveloped, or misunderstood in the rare cases they exist. Awareness of the CFREU among legal professionals, public officials, and the broader public remains low. Public awareness of the Charter is low, with most discourse focused on the ECHR, and limited educational content dedicated to the Charter in university curricula. The Charter is often overshadowed by the European Convention on Human Rights and is seen as a technical and remote instrument.

The “Guideline on the Challenges to the Implementation of the EU Charter of Fundamental Rights” found that capacity-building efforts on the Charter are insufficient, lacking dedicated training modules, manuals, and case-law commentary in Albanian. No comprehensive training modules or written resources in Albanian exist on the Charter, limiting judicial and administrative preparedness on the rights it stipulates. Academic publications in Albanian on the Charter remain limited. There is no widespread legal scholarship critically analysing the Charter’s impact in the Albanian context. In addition, the Guideline identified that there is a lack of systemic data collection and monitoring on human rights outcomes, limiting accountability and policy refinement. The absence of reliable statistical data on human rights enforcement, discrimination cases, and policy implementation limits Albania’s ability to monitor progress and address systemic shortcomings, as expected under EU standards.

Among the recommendations of the Guideline, a central role is recognised to the School of Magistrates, as the key institution responsible for embedding the EU Charter of Fundamental Rights into the professional training of Albania’s magistrates. This requires integrating the Charter as a standalone topic in the annual training programme and developing practical, case-based modules. To support this learning, a digital repository of updated EU materials, Albanian translations of key CJEU decisions reflecting the Charter, and targeted legal English training for magistrates are recommended. Research, thesis work, and publications on the Charter, while fostering cooperation with public universities,

inviting experts from EU judicial academies and institutions, study visits in the latter, participation in projects should be used to strengthen Charter-oriented training and mentorship. Introduction of EU tools and databases, such as EUR-Lex, Curia, and FRA indicators, into the SoM curriculum to build evidence-based, rights-focused judicial capacity are also identified as necessary. Through these actions, the School of Magistrates can drive consistent and effective application of the Charter in Albania's magistrates' professional formation. Such recommendations are in line with the European Commission's 2023 Progress Report on Albania which addressed the need for the School of Magistrates (SoM) to enhance its training programs, including the incorporation of EU law<sup>10</sup> and the Rule of Law Report 2025 on Albania which still considers that "comprehensive review of the initial and continuous training curricula remains necessary to increase their relevance and quality"<sup>11</sup>.

#### 4.3. Findings from the initial and continuous programme of the SoM

The Strategy of the SoM 2024-2028 places the EU integration high on the agenda, stating that: *"For the years of implementation of this strategy, the School envisions providing the highest standard in the training of magistrates and other subjects that are part of its activities; the efficient use of every innovative method aimed at its performance; orientation towards the EU through the development of every training opportunity, cooperation, and exchange opportunity with this aim; and institutional improvement through methods of evaluation, accountability, training, and transparency."* Increasing the competence on EU law is one of the strategic priorities for the SoM for 2024-2028. The Strategic Priority No. 3 focuses on scientific research and publications, innovation, and EU-related matters. Specific Objective 3 aims to ensure that the SoM is oriented towards current and future requirements related to the EU integration process. To achieve this objective, the SoM has foreseen four measures, which refer to the:

- establishment of a monitoring methodology to track the implementation of EU-integration commitments,
- annual assessments following this methodology to measure progress,
- full integration of the EU law into both the Initial and the Continuous Training Program
- enhancement of its expertise by involving foreign experts on EU-related topics.<sup>12</sup>

Accordingly, strengthening knowledge of EU law, the EU Charter and the CJEU jurisprudence represents an essential and forward-looking priority for the School of Magistrates, to be advanced through the institution's own resources as well as the engagement and support of relevant external stakeholders. Including dedicated or integrated reference to these topics would respect the SoM strategic vision and the EU Rule of Law Report 2025 on Albania which requires a comprehensive review of the initial and continuous training curricula remains necessary to increase their relevance and quality.

10 European Progress Report 2023, pg.22-23, at: [https://enlargement.ec.europa.eu/albania-report-2023\\_en](https://enlargement.ec.europa.eu/albania-report-2023_en)

11 Rule of Law Report 2025, Albania, pg.5: [https://commission.europa.eu/document/download/3732ae59-5ab4-48a6-a3e6-0ef9aa593863\\_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Albania.pdf](https://commission.europa.eu/document/download/3732ae59-5ab4-48a6-a3e6-0ef9aa593863_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Albania.pdf)

12 The measures read:

3.3.1: The School has developed a monitoring methodology to track the implementation of commitments undertaken as part of the EU integration process.

3.3.2: The School monitors the progress of these measures annually, following the methodology established under measure 3.3.1.

3.3.3: EU law is an integral part of the curricula and teaching programs, both in the initial training and in the Continuous Training Program.

3.3.4: The School strengthens its expertise by involving foreign experts on topics related to the EU.



### - SoM initial Programme

The admission criteria for the School of Magistrates include a competitive examination that consistently incorporates questions related to EU law.<sup>13</sup>

Upon admission, successful candidates undertake a dedicated course on European Law/Justice as part of the Initial Training Programme. This course occupies 92 hrs out of the 989 hrs in total of the Initial Training Programme. Among others, it introduces to future magistrates the judicial system of the European Union, the procedures before the CJEU, as well the Charter of Fundamental Rights of the European Union. In total, four hours are dedicated to the “*Fundamental Rights in the European Union*” and the Charter.

The programme places an emphasis on the EU Charter of Fundamental Rights, beginning with its transformation into binding primary law following the Lisbon Treaty and its central role in the jurisprudence of the Court of Justice of the EU. The topic explores the substantive content of the Charter and situates it within a comparative framework alongside the European Convention on Human Rights and the Constitution of the Republic of Albania. Key issues related to the Charter’s scope of application and its practical enforcement are examined, with particular attention to the responsibilities that arise for national judges when applying EU law. The topic also addresses the interaction between the Charter, the ECHR, and domestic constitutional guarantees, illustrating how these instruments operate together in the adjudication of concrete cases.

The topic takes place over one day and combines both theoretical and practical components. The Candidates for Magistrate are invited to discuss through identified cases the key issues related to the Charter. Landmark cases such as C411/10 & C493/10, 2011 N.S. and M.E., C617/10, 2013) Åkerberg-Fransson, C293/12 & C594/12, 2014) Digital Rights Ireland, C-176/12 AMS, C-414/16 – Egenberger, C399/11, Melloni v Ministerio Fiscal, are listed among those to be discussed. In these discussions, participants explore in detail the scope of the Charter, its applicability, its content, the relation with the ECHR and the Albanian Constitution. The interactive methodology, case-based discussions, is utilised in this topic as well.

Including the Charter explicitly within the programme reflects the School of Magistrates’ sustained efforts to ensure that future judges and prosecutors are fully prepared to operate within a European legal space where the Charter plays an increasingly decisive role. Strengthening Charter-focused training in the initial curriculum represents a significant step forward.

### - SoM Continuous Training Programme

In the academic year 2020-2021, there were no formal training on the Charter, neither any topic specifically related to EU law. However, in a footnote to the programme it was cited “*For each topic, care will be taken to ensure that the experts present the current issues both from the perspective of Albanian doctrine and jurisprudence, as well as from that of the ECtHR and the CJEU, as appropriate.*” This reference illustrates the School of Magistrates’ underlying aim to prepare participants to think critically when applying the law and to assess national practice in light of European standards. Such an approach fosters a professional mindset that integrates doctrinal analysis, national jurisprudence, and supranational case law, enabling magistrates to operate effectively in a legal environment shaped by both domestic influences and ECtHR/CJEU jurisprudence. This orientation is consistently repeated in each of the subsequent Continuous Training Programmes adopted in the following years.

<sup>13</sup> See the detailed information at the Annual Reports of SoM at: <https://www.magistratura.edu.al/sq/raporte-vjetore>. As an example, see pg.s 6-7 at [https://admin.magistratura.edu.al/uploads/Raporti\\_perfundimtar\\_2022\\_2023\\_3240d1532f.pdf](https://admin.magistratura.edu.al/uploads/Raporti_perfundimtar_2022_2023_3240d1532f.pdf).



This approach is also reflected in the steady increase, over the years, in the number of training topics referring to EU law or CJEU case law.

In the academic year 2021-2022, from 77 trainings in the SoM in the continuous training programme, 4 topics included EU law references, three of which addressed specific topics such as intellectual property, Anti-Mafia law, standards on the carrier in the judiciary, and a dedicated one was on the application of EU law by national courts and preliminary ruling procedures in front of the CJEU.<sup>14</sup> In the academic year 2022-2023, there was no specific training on the CJEU or the Charter of Fundamental Rights. However, out of 101 topics, 3 training topics on environmental law, non-discrimination and arrest warrant included a direct reference to EU law or CJEU jurisprudence.<sup>15</sup> In the academic year 2023-2024: from 149 trainings, 7 were related to EU, addressing environmental law, equality and anti-discrimination, freedom of speech and expression, the role of the media judge and gender-based violence at the workplace and harassment and sexual violence.<sup>16</sup> While EU law or the CJEU caselaw is mentioned in the subtopics of these trainings, a reference to the Charter is missing. In the academic

14 The topics of the trainings are:

- The application of EU law by national courts. Preliminary ruling procedures; the relationship between CJEU and ECHR; challenges of the EU member states and candidate countries" April 2022)
- "Strengthening the Protection and Enforcement of Intellectual Property Rights", Oct 2021;
- Seizure and Confiscation of Assets under the Anti-Mafia Law. EU Standards. Dec 2021
- Presentation of the most essential case-law of the ECtHR and the CJEU for the judicial career, Nov. 2021.

15 The topics of the trainings are

- Environmental criminal offences and their meaning. Methodological particularities in the investigation and prosecution of offences in this field. European standards and best practices. The role of the EU acquis and the Court of Justice of the European Union in Environmental Protection through Criminal Law. Oct. 2022
- The procedural position of the Commissioner for Protection from Discrimination before the Court. The nature of the Commissioner's decisions. The case-law of the ECtHR, the CJEU, and the courts of the Republic of Albania concerning the principle of equality and non-discrimination. April 2023
- The "European Arrest Warrant" and the "International Arrest Warrant" as Important Instruments for the Approximation of Domestic Legislation with that of the EU, May 2023

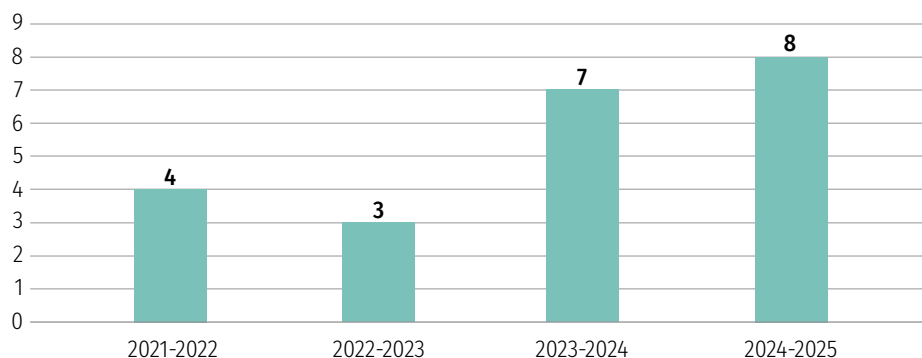
16 The topics of the trainings are:

1. Environmental protection through criminal legislation and the relevant judicial practice. The meaning of the new environmental criminal offences. Methodological particularities in the investigation and prosecution of offences in this field. European standards and best practices. The role of the EU acquis and the Court of Justice of the European Union in Environmental Protection through Criminal Law. Oct. 2023
2. EU Environmental law. Dec. 2023
3. The right to information and the protection of personal data. The impact of the new personal data protection legislation on the work of judges, prosecutors, and officials assigned to public and media relations. The Judge and the Media and the judge's role in informing the media and the public about judicial matters. The judge's role in strengthening public trust in the justice system. The basic rules established by the European Commission for the Efficiency of Justice (CEPEJ) on communication in the field of justice; communication between the judiciary, the prosecution service, the media, and the public. The right to information and the protection of personal data in judicial activity. The impact of the new personal data protection legislation on the work of judges, prosecutors, and officials responsible for public and media relations. Dec. 2023
4. Legal Mechanisms for Environmental Protection. The role of the EU acquis and the Court of Justice of the European Union in Environmental Protection. Feb. 2024
5. Cases of harassment and sexual violence, as well as gender-based discrimination in the workplace, based on the obligations arising from Convention C-190 and other relevant EU directives. Feb. 2024
6. The media judge, and its role in informing the media and the public about judicial matters. The judge's role in strengthening public trust in the justice system. The basic rules established by the European Commission for the Efficiency of Justice (CEPEJ) on communication in the field of justice; communication between the judiciary, the media, and the public Febr. 2024
7. The case-law of the ECtHR, the CJEU, and the courts of the Republic of Albania concerning the principle of equality and non-discrimination, April 2024

According to the Annual report of the SoM itself, the curricula address EU law are only 5. See the report at <https://www.magjistratura.edu.al/sq/raporte-vjetore>, pg. 4.

year 2024-2025, **8 topics had references** to the EU law and CJEU jurisprudence respectively addressing *environmental law*, Gender Equality, anti-discrimination, Digital violence offenses, Unfair terms in consumer contracts, and *environmental permits*<sup>17</sup> No reference is found to the Charter. See Graphic. 1.

Graphic 1: SoM continuous trainings related to EU law, 2021-2025



This is a reflection of the SoM vision and strategic approach of its professional formation of the magistrates.

A review of the Continuous Training Programme from 2021 onwards indicates that the Charter has not been explicitly integrated into the EU-law-related training topics or subtopics. In contrast, the Initial Training Programme for 2025–2026 includes a clear and structured focus on the Charter. Given the rapid development of CJEU case-law and the Charter’s expanding significance in national adjudication, it is equally important that the Continuous Training Programme incorporate dedicated modules on this instrument. Doing so would ensure that sitting magistrates, alongside newly admitted candidates, are fully equipped to apply EU fundamental rights standards coherently and effectively in their daily judicial work.

<sup>17</sup> The topics of the trainings are:

1. European Anti-Discrimination Law, 14-15 Nov 2024
2. Environmental Protection through EU Criminal Law, 4 Dec 2024;
3. European Law on Gender Equality (ERA) Dec 2024
4. Procedural position of the Commissioner for the Protection against Discrimination in court. The nature of the Commissioner’s decisions. Case law of the CJEU, ECHR, and Albanian courts concerning the principles of equality and non-discrimination 29 Jan 2025
5. Understanding the concept of the “trusted person,” criteria for assessing the suitability of a trusted person, relevant legal provisions, and their practical application. Protection of confidentiality, Directive 2012/29/EU of the European Parliament and the Council (25 October 2012) on the rights of victims. Protection of the victim’s privacy as an essential tool to prevent secondary and repeated victimization. Audiovisual recording of interviews with victims and the potential use of such recordings as evidence in criminal proceedings
6. Digital violence offenses committed online, such as disclosure of private information and cyberflashing. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted 20 October 2021. EU rules on combating violence against women and domestic violence – including cyber violence, victim support, and measures to prevent sexual violence. 18 Feb 2025;
7. Unfair terms in consumer contracts within the framework of EU legislation and Albanian substantive law. Understanding of abusive clauses in consumer contracts in the main decisions of the Court of Justice of the European Union. The consumer litigation procedures in CJEU jurisprudence. 17 April 2025;
8. Legal framework for issuing and monitoring environmental permits in the Republic of Albania, with reference to Law no. 10448/2011. Judicial practice in criminal proceedings relating to environmental offenses. Challenges in harmonizing Albanian legislation with the EU Environmental Crime Legal Framework (Directive (EU) 2024/1203 of the European Parliament and Council, 11 April 2024, on environmental protection through criminal law, replacing Directives 2008/99/EC and 2009/123/EC). Implementation of EU environmental directives 9 May 2025.

Strengthening knowledge of the Charter is particularly important for Albanian judges, prosecutors, state advocates, and other legal actors in light of Albania's EU integration commitments. As accession negotiations advance, especially in the context of Chapters 23 and 24, the expectation that national authorities apply EU law in compliance with the Charter becomes more immediate and more rigorous. Domestic authorities are increasingly required to consider the Charter in areas such as asylum, data protection, criminal justice, non-discrimination, and procedural rights. A solid understanding of the Charter enhances the quality of judicial reasoning, reduces the risk of inconsistency with EU standards, and prepares Albanian institutions of the judiciary, and of the legal system in general, to operate effectively within the future EU legal order. Ensuring that all relevant practitioners are trained on the Charter therefore contributes directly to strengthening the rule of law, safeguarding fundamental rights, and supporting Albania's progressive integration into the European Union.

#### 4.4. Findings from The Stakeholder's meetings

Meetings were held with the following key actors in the country, as follows:

- Ministry of Justice (MoJ), on 4.08.2025
- EU Delegation, on 30.07.2025
- High Prosecutorial Council (HPC), on 4.08.2025
- High Judicial Council (HJC), on 8.09.2025
- Twinning project with the School of Magistrates, online, 7.09.2026.

Across all the stakeholders, there is broad consensus that professional capacity on the EU Charter of Fundamental Rights (the Charter) and procedures before the CJEU remains *to be strengthened in* Albania. Stakeholders agree that targeted, structured, and sustainable training and institutional mechanisms are required. The central and repeated recommendation was the need to strengthen professional training and continuous education on EU law and the EU Charter of Fundamental Rights, particularly through:

- Systematic cooperation with the School of Magistrates;
- Integrating Charter-related modules into training for judges, prosecutors, and public administration;
- Using FRA materials and findings as standard references;
- Creating a national platform to facilitate learning and access to Charter-related resources.
- Ministry of Justice (MoJ)

The representative of the MoJ acknowledged the project highlighting the importance of strengthened inter-institutional cooperation. It was noted that Albania is a member of the European Union Agency for Fundamental Rights (FRA), whose professional publications are widely recognised for their credibility and analytical value. However, it was underlined that Albania still lacks a dedicated national website or platform on the EU Charter of Fundamental Rights, an essential tool to ensure accessible and centralised information for practitioners and the public.

The MoJ representative emphasised that FRA needs-assessment reports could serve as a reference point when designing national policies in this field. Also, it was shared that, upon request, tailored training programmes could be organised in cooperation with the SoM, focusing specifically on the implementation of the Charter and interaction with the CJEU.

Discussions demonstrated a continued need for structured and sustained training to enable Albanian judges and prosecutors to rely more systematically on the Charter in their reasoning and to make effective use of the preliminary reference mechanism. The MoJ representative further suggested that priority capacity-building areas should include the intersection between human rights and sectors of activity in the society integrating such themes into continuous professional development would help legal professionals respond more effectively to emerging challenges linked to European integration and the application of international human rights standards.

It was additionally stressed that training on the Charter should not be confined to the judiciary. Participants emphasised the importance of involving the Albanian School of Public Administration (ASPA) and the Police Academy, ensuring that civil servants and law enforcement officers acquire basic knowledge of the Charter and its role within the EU legal order. Basic training modules would introduce the core concepts of EU fundamental rights, while advanced modules would focus on CJEU procedures, human rights protection, and the interaction between law enforcement and judicial authorities within the *acquis communautaire*.

#### - High Prosecutorial Council (HPC)

The HPC representative underscored the need for dedicated training on EU law and explicitly on the Charter, stressing equally the importance of integrating these topics into both the initial training, and the Continuous Training Programme. It was observed that many specific guarantees under the EU Charter remain unfamiliar to prosecutors and are therefore rarely invoked, particularly as most magistrates who graduated after 2010 have not received systematic training on the Charter. No training needs assessment has yet been conducted for prosecutors on this topic.

It was shared that despite efforts to establish a training unit within the HPC, it has not become functional due to the absence of a dedicated budget. The representative also referred to a recent case where the School of Magistrates opened a position for a seconded prosecutor with EU law expertise, but received no applications, an indication of limited internal capacity and the scarcity of prosecutors trained in EU law, most of whom acquired this knowledge abroad.

Finally, it was noted that the evaluation criteria for prosecutors include reference to CJEU jurisprudence, yet such references are almost never used. This reflects both limited awareness of the requirement and insufficient familiarity with the Charter and EU case-law.

#### - High Judicial Council (HJC)

Similarly, the HJC representative emphasised that references to EU law, including the EU Charter, are increasingly important for the evaluation and promotion of judges. It was said that even though that some judges in Albania have begun to rely on EU law as a supplementary interpretative tool, particularly in cases involving transposition of EU legislation, interest in EU law remains insufficient. It was stressed that, as Albania advances toward EU membership, the need to increase the number and quality of training programmes on EU law, including the Charter, will become indispensable and must be addressed proactively.

The discussion underscored the need to further strengthen training programs, particularly on EU law, the Charter, and the European Court of Human Rights, as a key component of judicial capacity-building in the context of the EU integration process.

### - EU Delegation in Tirana

The EU Delegation is currently implementing a Twinning project with the School of Magistrates, concluding in June 2026. The project aims to revise the methodologies for both initial and continuous training, including entrance examinations, aligning the School's programmes with EU standards, developing online modules, and building capacities through Training of Trainers (ToT) programmes. The Italian partner is responsible for the continuous training component, while the Dutch partner focuses on initial training. To date, continuous training has centred primarily on criminal law areas such as financial. It was added that the "EU for LEA" programme also cooperates closely with the SoM, particularly in the fields of criminal law and cybercrime, and that a joint training plan on criminal justice is expected. The "EU for Justice" project primarily addresses ethics within the judiciary. However, no dedicated training on the EU Charter has been implemented thus far. The need to carefully coordinate with ongoing initiatives, particularly the Twinning project and the "EU for LEA" programme, to avoid duplication and ensure coherence and effectiveness, was also highlighted.

Beneficiaries of future training on the Charter would first require a solid grounding in EU law, therefore, a specialised programme is considered essential. It was underlined that incorrect application of EU law could result in significant financial and legal consequences for Albania, reinforcing the need for a complete curriculum on EU judicial procedures and key EU law topics.

### - Twinning project with the School of Magistrates

The ongoing Twinning project with the School of Magistrates, to be implemented until June 2026, aims to upgrade training methodologies and ensure alignment with EU standards. The project focuses on modernising both initial and continuous training, including the reform of entrance examinations, curriculum harmonisation with EU requirements, the development of online modules, and capacity-building through Training of Trainers (ToT) programmes.

With the support of the project, the initial training programme for 2025–2026 has already been updated, while the continuous training programme is likewise being strengthened. These developments reinforce the School of Magistrates' mandate as a professional training institution rather than an academic one. Methodologically, the programmes have shifted towards a more practice-oriented approach, better reflecting the operational needs of the justice system. In this context, it was underlined that future training on the EU Charter of Fundamental Rights should be integrated coherently within this broader reform, and should be preceded by a solid grounding in EU law.

#### 4.5. Findings from the Focus Group

Participants discussed how to strengthen judges' and prosecutors' capacity to understand and apply the EU Charter of Fundamental Rights (the Charter) and the preliminary reference procedure under Article 267 TFEU. The experts explained that pre-accession preparation should begin early, as judges will become the first enforcers of EU law and will be required to submit preliminary questions to the CJEU. The discussion focused on identifying training needs and practical challenges related to applying the Charter.

The focus group agreed that **capacity building on the EU Charter of Fundamental Rights** should be **practical, bilingual, and institutionalised**. Training should equip magistrates not only to understand the Charter conceptually but to apply it effectively in judicial reasoning and CJEU interactions, bridging Albania's transition from candidate country to full member state.

Key Inputs and Suggestions in relation to the EU Charter were the following:

- Civil Law and the Role of the Charter
  - The Charter guarantees the right to quality medical care as a fundamental right.
  - Judges requested training on how CJEU case law can be applied in Albanian civil cases, such as medical damages or contractual vs. non-contractual liability.
- Practical interpretation and case-based examples were prioritised.
- Administrative Law and EU Standards
  - Participants noted that, while the Charter is not yet binding, Albania must begin familiarising with EU administrative law standards that will soon apply after accession.
  - Suggested using CJEU jurisprudence in environmental and criminal law to illustrate how Charter principles are interpreted.
- Practical Training on the Preliminary Reference Mechanism
  - Judges requested step-by-step training on how to best understand the EU Charter so that it forms a foundation to their professional knowledge and ground when treating specific cases in the course of their work.
- Relationship between the Charter and the ECHR
  - Clarification was requested on the interaction between the EU Charter and the European Convention on Human Rights (ECHR), as their jurisprudence sometimes overlaps but differs in scope.
  - Participants proposed that training also cover fundamental rights themes such as fair trial, freedom of expression, and data protection, using both Charter and ECHR case law.
- Language, Translation, and Access Barriers
- Participants highlighted that the lack of Albanian translations of key CJEU judgments hinders access. They recommended translating a core database of leading cases and developing a standardised technical vocabulary in Albanian to facilitate consistent citation and reasoning.

- Research and Practical Application Skills
  - Training should build participants' legal research and analytical skills to identify Charter-based arguments and correctly apply them in national judgments.
  - Some proposed that basic research training be made mandatory for all candidates in the School of Magistrates.
- Training Materials and Accessibility
  - Participants highlighted the need for Albanian-language manuals and guides that are practical and non-theoretical, focusing on real examples of Charter application.
  - Training should also include exercises on how to locate and interpret Charter-related decisions.

In summary, the priority needs identified were the following:

- Skill-building for legal research within EU law databases and the CJEU website on the Charter.
- Topic-based modules linking the Charter to concrete areas related to the Charter: civil law (medical negligence, patients' rights), commercial law (contractual liability), administrative, environmental, and criminal law.
- Translated materials in Albanian for the Charter.
- Preparation of guides for the EU Charter application.
- Standardised templates for preliminary questions and model reasoning structures referencing the Charter.
- Integration of fundamental rights themes, particularly the relationship between the Charter and the ECHR.

#### 4.6. Findings from the online questionnaire

A questionnaire was distributed to around 100 magistrates and candidates for magistrates as well as the state attorneys and other justice sector actors. A total of 26 participants responded which indicates that the findings should be interpreted with caution and in the framework of the other findings through this training needs assessment, as they may not fully reflect the views of the majority target group. Of these, 1 representative was from the State Attorney's Office (3.8%), 2 judges (7.7%), and 23 candidates for magistrates (88.5%). All participants were between 26 and 50 years of age. Of the 26 participants, 7 were men (26.9%) and 19 were women (73.1%).

The survey was conducted with the purpose of assessing the current level of knowledge, previous training exposure, practical experience, and perceived training needs of Albanian magistrate candidates and magistrates regarding the EU Charter of Fundamental Rights. The findings reveal important insights into the training landscape, existing gaps, and the strong interest of future justice professionals in strengthening their capacity to work with EU fundamental rights standards. The results are highly relevant for curriculum development, institutional training strategies, and the broader process of judicial approximation with EU law.

The overwhelming majority of respondents were magistrate candidates (23 out of 26), with only three sitting judges participating. All participants belonged to the 26–50 age group, highlighting a relatively young and professionally active cohort. Women constituted nearly three-quarters of respondents.



### - Training Experience on the EU Charter

Most respondents (18 out of 26) reported having received some form of training on the EU Charter. However, the nature and depth of this training varied considerably. For the large majority, the training occurred within the last three years and was delivered mainly through the School of Magistrates. However, the content was often integrated within broader topics rather than offered as a standalone, dedicated module. Many indicated that the Charter was addressed alongside other international human-rights instruments, while others encountered it in specific segments of EU law or fundamental rights courses. A smaller number noted that they had not received structured training but had been introduced to the Charter through academic lectures or compulsory EU law modules. Only one respondent had undertaken training outside Albania, and several cited exposure through FRA materials or EJTN sessions.

### - Use of EU Law in Practical Work

A significant proportion of respondents (19 out of 25) reported that they had cited or relied upon EU legislation during their academic or professional activities. Their examples illustrate a broad spectrum of engagement with EU law. Some referred to EU legislation in the context of Albania's accession negotiations, particularly Chapter 23 on judiciary and fundamental rights. Others had used EU regulations in contract law disputes, financial management of IPA funds, competition and state aid matters, migration and asylum procedures, and residence-permit or expropriation cases. Many respondents emphasized that their exposure stemmed from assignments and case preparation during their initial training at the School of Magistrates. Although the experience varied, it is clear that EU law is already part of their practical legal reasoning, even before assuming full judicial or prosecutorial functions.

### - Self-Assessment of Knowledge

Despite this exposure, respondents generally assessed their level of knowledge of the EU Charter as moderate. Only two individuals felt they had very strong knowledge, while the majority considered their understanding sufficient but not advanced. A notable group (eight respondents) stated that their knowledge was not adequate. This self-assessment points to the need for more structured, in-depth, and practice-oriented training programs that move beyond introductory or academic exposure and engage directly with the Charter's jurisprudence and practical application.

### - Training Needs Identified

Another significant area identified was the relationship between the Charter, the European Convention on Human Rights (ECHR), and national constitutions, a topic crucial for future judges who must navigate overlapping human-rights frameworks. Additional training needs included clarification of the Charter's scope of application under Article 51, the principles of proportionality and limitations under Article 52, and the protection of social and economic rights. Some respondents expressed a desire for more advanced and technical topics, including improved skills in locating, interpreting, and applying CJEU case-law as well as deeper engagement with less commonly addressed Charter provisions.

The training needs expressed by respondents reveal a strong and consistent demand for deeper understanding of the jurisprudence of the Court of Justice of the European Union (CJEU) on the EU Charter. Half of all participants (13 out of 26) identified CJEU case-law as their primary training priority,



signalling that practical, case-based interpretation is perceived as essential for effective application of the Charter. Also, 6 out of 26, highlighted the need for training on the relationship between the Charter, the European Convention on Human Rights, and national constitutions, an area where overlapping legal frameworks often create interpretative challenges.

Smaller but notable groups expressed interest in clarifying the scope of application under Article 51 (11.5%), proportionality and limitations under Article 52 (3.8%), and the Charter's social and economic rights. A few respondents selected "Other," pointing to needs such as guidance on accessing and using CJEU case-law and more technical, underexplored Charter provisions.

Overall, the results show that participants are looking for advanced, practice-oriented training, with a particular focus on jurisprudence and the interaction of the Charter with other human-rights instruments.

#### - Availability of Albanian-Language Materials

Respondents were also asked about the availability of Albanian-language texts or interpretative materials on the EU Charter. The responses show an overwhelming consensus on the need for more Albanian-language materials on the EU Charter of Fundamental Rights. A clear majority, 61.5% of participants, consider such materials highly useful, while another 34.6% believe they would be useful. Only a very small proportion indicated uncertainty, and none considered additional materials unnecessary. These results highlight a strong demand for accessible, comprehensive, and practitioner-oriented resources in Albanian that would support learning, facilitate consistent interpretation, and strengthen the practical use of the Charter in judicial and legal practice.

The results reveal a significant gap: while a few mentioned the FRA annual reports or university textbooks, most respondents either believed that materials are very limited or were unaware of any existing publications. Several noted the lack of accessible commentaries or practical guides in Albanian, making it difficult for practitioners and trainees to deepen their understanding independently.

Correspondingly, nearly all respondents agreed that more Albanian-language materials would be highly beneficial. Many stressed that such resources would help standardize knowledge, support self-study, and enhance the practical use of the Charter in judicial decision-making. The absence of comprehensible, practitioner-oriented materials in Albanian appears to be one of the most immediate obstacles to wider and more consistent use of the Charter.

#### - Training Format Preferences

The responses indicate a strong preference for in-person and internationally oriented training formats, reflecting participants' desire for practical engagement and exposure to best practices from EU Member States. The most preferred option, chosen by 42.3% of respondents, was exchange-based training with judges and prosecutors from EU countries. This demonstrates a clear interest in learning directly from experienced practitioners, gaining comparative insights, and observing how the EU Charter is applied in judicial proceedings across the Union.

The second most preferred format was face-to-face training sessions, selected by 30.8% of participants. Respondents appear to value the interactive, structured environment that physical presence provides,

particularly for complex subjects such as the jurisprudence of the CJEU or the relationship between the Charter, ECHR, and national constitutions. This preference aligns with earlier comments in the survey emphasizing the usefulness of practical exercises, case analysis, and direct discussion with trainers.

Online, interactive modules were selected by 15.4%, indicating moderate interest in digital learning formats. While not the primary choice, this suggests that some participants appreciate flexibility and self-paced learning, though perhaps only as a complement rather than a substitute for in-person engagement.

A small proportion of respondents opted for other variations, such as combined physical and exchange-based formats or thematic sessions, though each of these categories individually represents only a few percentage points. Very few respondents indicated uncertainty or lack of preference.

Overall, the data shows that participants overwhelmingly favour practical, and direct human interaction, particularly opportunities to connect with EU judicial actors, over purely remote or theoretical learning formats. This preference highlights the perceived value of peer-to-peer professional exchange and hands-on judicial training in strengthening their understanding and application of the EU Charter of Fundamental Rights.

#### - Suggestions for Strengthening Knowledge

Participants provided a number of thoughtful suggestions for improving Charter-related training. Many emphasized the need for more frequent and dedicated training sessions, ideally focusing on concrete case studies, practical exercises, and in-depth jurisprudence analysis rather than broad theoretical overviews. Others requested opportunities to engage directly with European institutions, whether through study visits or sessions with international experts. Respondents also recommended wider dissemination of case-law summaries, academic commentaries, and structured learning materials, particularly in Albanian. Several highlighted the value of interactive methodologies and hands-on workshops, which they perceived as more effective than lecture-based formats.

## - Conclusions

Overall, the survey results clearly demonstrate that while magistrate candidates and magistrates have some general exposure to the EU Charter, their knowledge remains limited and largely theoretical. Knowledge of the Charter is generally moderate, but many respondents feel insufficiently prepared. The strongest training needs relate to understanding the Charter's jurisprudential development, its interaction with other human-rights instruments, and its practical application in judicial reasoning. Moreover, the lack of Albanian-language resources constitutes a significant barrier to deeper learning. Respondents shared the need to strengthen their competencies and express strong interest in practical, case-based training tailored to the realities of judicial work and deepening applied skills, not only theoretical insights. These findings provide a solid basis for designing a targeted and effective training strategy as part of ongoing capacity-building efforts in the field of EU fundamental rights.

The training needs identified through the survey are the following:

- Jurisprudence of the Court of Justice of the European Union (CJEU) on the EU Charter
- Relationship between the EU Charter, the European Convention on Human Rights (ECHR), and national constitutions
- Scope of application of the Charter (Article 51), clarification needed on when and how the Charter applies.
- Principles of proportionality and limitations (Article 52), understanding restrictions on rights and proportionality assessments.
  - Social and economic rights under the Charter, interest in better understanding these less frequently addressed rights.
- Advanced technical skills related to Charter interpretation, including:
  - How to find, interpret, and apply CJEU case-law.
  - Engagement with underexplored or more complex Charter provisions.
  - Practical, case-based methodologies for applying the Charter in judicial reasoning.
- Other specialised needs reported by respondents:
  - Guidance on accessing jurisprudence databases.
  - Training on practical application through exercises and real-case simulations.

In-depth case analysis rather than superficial review is required. Also, more opportunities for training with international experts or at the European Court of Human Rights, in order to observe proceedings directly. From a methodological point of view, the preferred training formats clearly favour practical and interactive approaches. Most respondents prioritise exchange programmes with EU judges and prosecutors, followed by in-person sessions, showing a strong interest in hands-on learning and comparative experience. Online modules are less preferred, indicating that digital formats are seen mainly as complementary. Overall, participants value experiential training over theoretical or fully remote options.

## 5. Conclusions and Recommendations

The findings from the Training Needs Assessment, drawing on the review of the School of Magistrates (SoM) programmes, stakeholder consultations, focus-group discussions, and the online questionnaire - demonstrate a consistent and system-wide need to strengthen knowledge and practical capacity on the EU Charter of Fundamental Rights (the Charter) across Albania's justice sector. While the Charter is referenced within the Initial Training Programme, this coverage remains limited in scope and duration, and it is virtually absent from the Continuous Training Programme, despite growing obligations arising from Albania's EU accession path.

The SoM Strategy 2024–2028 identifies EU integration and the strengthening of EU law competencies as core priorities. Yet, the current training offer does not fully reflect these strategic commitments. This gap is further amplified by the absence of Albanian-language materials on the Charter, limiting practitioners' ability for self-study and consistent application. The stakeholder interviews - even from high-level institutions such as MoJ, HPC, HJC, the EU Delegation, and the ongoing Twinning project - repeatedly emphasise that systematic, structured, and sustainable training on EU fundamental rights standards is urgently required.

Across the judiciary, prosecution, state advocacy, and public administration, there is broad agreement that professionals lack sufficient familiarity with the Charter, its jurisprudence, and its role in national adjudication. The online survey confirms this need: although most respondents had some exposure to EU law, their knowledge of the Charter remains moderate, uneven, and primarily theoretical. The findings reflect strong interest in a more practice-oriented, case-based, and experiential training approach.

## A. The Need for Training on the EU Charter of Fundamental Rights

### Conclusions

Albania's advancing EU integration requires magistrates and legal practitioners to apply EU law in accordance with the Charter, a requirement that will become binding upon accession. The Charter is marginally included in the Initial Training Programme (4 teaching hours) and almost completely absent from the Continuous Training Programme since 2021. Despite some EU-law-related topics in continuous training, none have explicitly addressed the Charter, its jurisprudence, or Charter-based reasoning. Practitioners overwhelmingly lack structured opportunities to understand the Charter's role in sectors such as asylum, data protection, criminal justice, non-discrimination, consumer protection, and environmental law. The absence of Albanian-language materials and insufficient knowledge of CJEU case-law significantly impede effective engagement.

### Recommendations

- Institutionalise Charter-focused training as a core component of both Initial and Continuous Training Programmes.
- Ensure regular and mandatory modules on the Charter for judges, prosecutors, state advocates, public administration officials, and police training institutions.
- Integrate training on the Charter into broader EU acquis topics, ensuring cross-sectoral relevance.
- Develop a national online platform dedicated to the Charter, providing centralised materials, case-law summaries, and guidance for practitioners.
- Embed Charter training into pre-accession capacity-building strategies, aligned with Chapters 23 and 24.

## B. Specific Training Topics Suggested

### Conclusions

Across all sources, the following topics emerged as priorities:

- CJEU jurisprudence on the Charter
- Interaction between the Charter, the ECHR, and national constitutions
- Scope of application to address uncertainty about when the Charter applies in domestic cases, especially in partially harmonised fields.
- Proportionality and limitations as a critical area for judicial reasoning that requires deeper and more consistent application.
- Social and economic rights including equality, non-discrimination, consumer protection, labour law, environmental protection, data protection, and access to healthcare.
- Sector-based applications of the Charter including civil law (medical negligence, liability), administrative law (environmental permits), commercial law (unfair terms), and criminal law (procedural guarantees).

- Legal research and application skills practitioners request support in identifying and using CJEU case-law, including mastery of databases such as CURIA and EUR-Lex.

### Recommendations

- Establish a core curriculum on the Charter, covering the above themes in a structured sequence.
- Prepare sector-specific training modules demonstrating how the Charter applies in various fields of law.
- Produce guides, templates, and model reasoning structures for Charter-based judgments and preliminary questions.
- Translate and disseminate key CJEU cases and develop a standardised Albanian legal vocabulary for Charter interpretation.
- Create a reference handbook or “Charter in Practice” manual tailored to Albanian magistrates.

## C. Methodological Recommendations

### Conclusions

The preferred training approaches consistently prioritise:

- Experience-based learning as a favour exchange programmes with EU judges and prosecutors
- In-person, interactive training sessions focused on discussion, case-solving, and practical exercises.
- Case-based methodology, using real-world case analysis—not theoretical lectures as the most effective method.
- Bilingual delivery (Albanian–English)
- Having access to English-language CJEU case-law requires bilingual teaching.
- Online learning as complementary: even though the online modules are useful, they should supplement, not replace, practical classroom training.

### Recommendations

- Adopt a practice-centred methodology, using case studies, hypotheticals, simulations of preliminary references, and structured reasoning exercises.
- Facilitate peer-to-peer exchange with EU magistrates through study visits, short-term placements, and joint workshops.
- Provide bilingual training materials, combining Albanian explanations with English source texts.
- Use blended learning, where online modules prepare participants before in-person workshops.
- Integrate assessment mechanisms (pre/post tests, reflective tasks) to evaluate progress.

## D. Requirements for Trainers' Profile

### Conclusions

Stakeholders emphasised the need for trainers who are experts in EU law and the EU Charter, preferably with experience before the CJEU or having worked in EU Member State judiciaries and are able to teach through practical, case-based methods, not only through lectures. Proficiency in English and Albanian, enabling interpretation of CJEU jurisprudence is identified as necessary.

Familiarity with legal research tools used for EU case-law and capability to guide through preliminary reference drafting is identified as a profile criterion as well.

### Recommendations

- Involve EU judges, prosecutors, CJEU, FRA experts, and academics with CJEU experience as external trainers.
- Create a national pool of Charter trainers within Albania through a targeted Training of Trainers (ToT) programme.
- Require trainers to demonstrate:
  - expertise in EU fundamental rights law,
  - ability to use interactive pedagogy,
  - familiarity with sector-specific applications of the Charter.
- Prioritise collaboration with the Twinning project, EU for LEA, and EU for Justice to ensure coherence and avoid duplication.

The evidence clearly demonstrates that Albania's judiciary and legal institutions are at a pivotal moment: the Charter is becoming increasingly relevant in national adjudication, yet current knowledge levels remain insufficient. The SoM's strategic commitments, combined with Albania's EU integration trajectory, make strengthened training on the Charter not only desirable but necessary.

A comprehensive Charter training framework, grounded in structured content, practical methodology, bilingual resources, and expert trainers, will equip Albanian judges, prosecutors, and state advocates to interpret and apply EU fundamental rights standards with confidence, consistency, and professionalism. This will directly support Albania's compliance with EU acquis, improve judicial quality, and advance the rule of law.

# TRAINING ACTION PLAN (TAP) ON THE EU CHARTER OF FUNDAMENTAL RIGHTS

*This Training Action Plan (TAP) outlines the strategy and concrete activities to strengthen the capacity of judges, prosecutors, state advocates and other justice sector actors in Albania to understand and apply EU law, with a particular focus on the EU Charter of Fundamental Rights (the Charter).*



## TAP METHODOLOGY

This TAP is designed on the basis of the Training Needs Assessment (TNA) prepared in close cooperation with the SoM during June–December 2025. It reflects the objectives and actions needed to address current gaps in knowledge, skills, and attitudes (KSA) among judges and prosecutors in Albania with regard to EU law, with a particular focus on the EU Charter of Fundamental Rights. The overall aim is to support the development of a training programme that is directly aligned with the challenges of Albania's path toward EU accession and the growing relevance of EU law before domestic courts. This document is presented as a proposal for consideration by the SoM, which will determine the extent and manner of its possible adoption.

The TAP is based on a comparative gap analysis between current competencies and desired competencies. It aims to foster the following knowledge, skills and attitudes:

### Knowledge:

- Strengthen understanding of the EU Charter of Fundamental Rights, its structure, content, and underlying principles.
- Deepen knowledge of the scope of application of the Charter (Article 51) and the limitations and proportionality test (Article 52).
- Enhance familiarity with the interaction between the Charter, the ECHR, and the Albanian Constitution in judicial reasoning.
- Increase awareness of CJEU jurisprudence interpreting Charter rights, including landmark cases in civil, administrative, criminal, and commercial fields.
- Understand how the Charter operates within specific sectors (e.g., non-discrimination, data protection, asylum, consumer protection, environmental rights).
- Build capacity to identify cases where the Charter is relevant and requires explicit analysis in domestic judgments.
- Develop competence in using EUR-Lex, CURIA, FRA resources, and other EU databases to locate Charter-related case-law and materials.

### Skills:

- Strengthen analytical skills to determine when and how to apply the Charter in concrete cases.
- Improve ability to interpret and apply CJEU case-law relevant to Charter rights.
- Enhance legal research skills for efficiently identifying and citing Charter provisions and jurisprudence.
- Develop the ability to draft well-structured judicial reasoning integrating Charter rights, proportionality analysis, and comparative references to CJEU/ECHR case-law.
- Increase competence in preparing preliminary reference requests grounded in Charter-related issues (Article 267 TFEU).
- Apply sector-specific problem-solving techniques through case studies, simulations, and judgment-drafting exercises.
- Strengthen skills for distinguishing between Charter applicability and reliance on the ECHR or national constitutional norms.

### Attitudes:

- Openness to EU fundamental rights and its judicial culture
- Self-reflection regarding domestic limitations vs EU fundamental rights and standards
- Developing a culture of continuous learning on EU fundamental rights, including regular engagement with CJEU jurisprudence and FRA publications.
- Developing continuous learning on EU Law and the CJEU jurisprudence.
- Strengthen commitment to consistency, transparency, and rights-based reasoning in adjudication.

## MEASURES

The preparatory measures for adopting the TAP are essential to ensure a coherent, institutionally meaningful, and sustainable action plan. The topics proposed in Part II.3 will only achieve their full impact if they are accompanied by a process that builds institutional ownership within the School of Magistrates (SoM) and engages those responsible for curriculum design and implementation. These preparatory steps will enable the proper validation of the TAP by the SoM and, subject to their positive assessment, will create opportunities for improved coordination with external partners, better resource planning, and the establishment of effective feedback loops.

The implementation of the TAP may face several risks. Key challenges may include internal resistance or delays in approval processes within the SoM, competing institutional priorities, limited availability of professors with EU law expertise, and a general risk of low institutional ownership. Other risks relate to the possible low participation of magistrates due to workload constraints or insufficient resources allocated to training activities. To mitigate these risks, early and continuous engagement with the Pedagogical Council and faculty members is crucial, ensuring that the TAP reflects the SoM's real needs, priorities, and strategic commitments.

For these reasons, the actions identified below are considered preparatory measures that should be followed to secure a sustainable and well-received TAP on the EU Charter of Fundamental Rights.

### Preparatory Actions (Adapted for the EU Charter of Fundamental Rights)

#### Action 1: Meeting with the Pedagogical Programme Representatives of the School of Magistrates

**Aim:** Present to the SoM professors responsible for the Initial and Continuous Training Programmes the findings of the Training Needs Assessment and the proposed Charter-focused AP.

**Duration:** 1–2 hours

**Timeline:** January 2026

**Output:** Collection of recommendations and feedback; refinement of the TNA and AP.

**Responsible Institution:** School of Magistrates, in cooperation with CRD experts

**Resources:** None

#### Action 2: Consultation with Professors Responsible for EU Law Modules

**Aim:** Obtain detailed feedback on ways to expand and strengthen the teaching of the EU Charter within existing EU law curricula.

**Duration:** 1–2 hours

**Timeline:** January 2026

**Output:** Alignment of Charter-related findings with the structure of EU law modules in both initial and continuous training.

**Responsible Institutions:** SoM and CRD experts

**Resources:** None

**Action 3: Dissemination of the TNA and TAP to the Pedagogical Council**

**Aim:** Ensure broader institutional discussion on Charter-related training needs, methodologies, cooperation opportunities, and resource allocation.

**Duration:** 1 hour

**Timeline:** February–April 2026

**Output:** Clarified institutional priorities, mapping of potential external partnerships (EU Judicial Academies, FRA, CEPEJ, ERA, EJTJ, etc.), and identification of resource needs.

**Responsible Institution:** SoM

**Resources:** None

**Action 4: Planning Training Opportunities on the EU Charter**

**Aim:** Support the SoM in designing Charter-focused training activities (initial and continuous) that address identified knowledge and skills gaps.

**Duration:** 1–2 hours

**Timeline:** Ongoing, throughout 2026

**Output:** Draft modules, methodological outlines, trainer lists, and a training timetable for Charter-related activities.

**Responsible Institution:** SoM

**Resources:** SoM budget

**Action 5: Development of a Basic Module on the EU Charter**

**Aim:** Create a foundational training module on the Charter for magistrates, state advocates, and judicial clerks who have not completed an EU law course during their studies.

**Timeline:** February–June 2026

**Output:** Module outline, syllabus, learning objectives, practical exercises, and key CJEU case summaries

**Responsible Institution:** SoM (pending academic approval)

**Resources:** SoM budget

**Action 6: Training of Trainers (ToT) on the EU Charter**

**Aim:** Build internal SoM capacity to independently deliver Charter-focused training.

**Duration:** 2–3 days

**Timeline:** May–September 2026

**Output:** A pool of certified trainers capable of delivering national and regional Charter workshops.

**Responsible Institution:** SoM

**Resources:** SoM budget; venue; expert fees (if applicable)

**Action 7: Delivery of Pilot Workshops**

**Aim:** Test Charter-related training materials and methodologies with a limited group of judges and prosecutors.

**Duration:** 1–2 days each

**Timeline:** September–November 2026

**Output:** Evaluation reports, participant feedback, refined training materials

**Responsible Institution:** SoM

**Resources:** SoM budget (trainers, case studies, evaluation forms)

**Action 8: Integration of EU Charter Training into the Annual Calendar**

**Aim:** Ensure the EU Charter becomes a stable component of the annual SoM curriculum and includes introductory and advanced courses.

**Timeline:** Starting 2026 and ongoing

**Output:** EU Charter training integrated into SoM's annual agenda for continuous training

**Responsible Institution:** SoM

**Resources:** Internal trainers; optional external experts; project-based support

**Action 9: Development of Practical Charter Materials and Casebooks**

**Aim:** Provide magistrates with accessible materials on Charter interpretation and application, including proportionality tests and landmark case summaries.

**Timeline:** March–December 2026

**Output:** Charter casebook, practical guide for applying the Charter, online library resources, printed handouts

**Responsible Institution:** SoM

**Resources:** SoM budget; project-based support

**Action 10: Cooperation with EU Judicial Training Institutions**

**Aim:** Facilitate exchanges, guest lectures, study visits, and cross-border workshops focused on the EU Charter and fundamental rights adjudication.

**Timeline:** 2026–2027

**Output:** Memoranda of cooperation, joint events, workshops with EU partners

**Responsible Institution:** SoM

**Resources:** SoM budget for travel/accommodation; project-based support

**Action 11: Creation of an Online Module on the EU Charter (E-learning)**

**Aim:** Extend access to Charter training to magistrates unable to attend in-person sessions.

**Timeline:** 2026

**Output:** E-learning module hosted on SoM's platform, recorded lectures, practical assignments

**Responsible Institution:** SoM

**Resources:** SoM budget; optional project-based support

**Action 12: Annual Monitoring and Evaluation of Charter Training**

**Aim:** Ensure sustainability, assess training quality, and guide future curriculum development.

**Timeline:** 2026 and annually thereafter

**Output:** Annual monitoring report including number of trained professionals, assessment of trainer performance, and evaluation of learning outcomes

**Responsible Institution:** SoM

**Resources:** SoM budget

## STRUCTURE AND THEMATIC AREAS OF TRAINING

Based on the findings of the Training Needs Assessment (TNA) and the methodology of the Training Action Plan (TAP), a set of Charter-focused thematic training areas has been identified. The aim is to build the knowledge, skills, and professional attitudes necessary for Albanian magistrates to operate effectively as both national and future EU judges, capable of applying the Charter consistently with CJEU jurisprudence.

Reflecting the recommendations of the focus group and the survey, these thematic modules are designed not merely as knowledge-based sessions, but as capacity-building, practice-oriented trainings.

### Module 1: Understanding and Applying the EU Charter of Fundamental Rights

Key issues:

- Structure, principles, and legal nature of the Charter after the Lisbon Treaty.
- Scope of application (Article 51): when the Charter applies in national cases.
- Limitations, proportionality, and balancing tests (Article 52).
- Distinguishing Charter rights from ECHR rights and national constitutional guarantees.
- Sector-based application:
  - non-discrimination and equality,
  - data protection and digital rights,
  - environmental protection,
  - fair trial and procedural rights,
  - consumer protection, labour and social rights.
- Research techniques for identifying relevant Charter provisions and case-law.
- Real and hypothetical case studies on Charter applicability.

### Module 2: CJEU Jurisprudence Interpreting the Charter

Key issues:

- Landmark cases shaping the Charter: Åkerberg Fransson, Melloni, Digital Rights Ireland, Egenberger, AMS, N.S. and M.E., and selected recent jurisprudence.
- Methodology of interpreting CJEU decisions and extracting legal principles.
- Using the Charter as a tool for judicial reasoning in domestic cases.
- Identifying when national courts must engage with Charter jurisprudence.
- Understanding potential divergences or convergences between CJEU and ECtHR decisions.
- Case-based analysis sessions and judgment-writing exercises incorporating Charter reasoning.

### Module 3: Relationship between the Charter, the ECHR, and the Constitution

Key issues:

- Distinguishing the scope, functions, and limitations of each instrument.
- When domestic courts should rely on the Charter vs. the ECHR vs. the Constitution.
- Interaction between Articles 6 TEU, the Charter, and the ECHR.
- The principle of equivalent protection and the Melloni doctrine.
- Practical comparative case studies illustrating dual and competing frameworks.
- Exercises designing judicial reasoning that integrates all three instruments coherently.

## **Module 4: Practical Application of the Charter in Judicial Proceedings**

Key issues:

- Techniques for integrating Charter rights into judicial reasoning.
- Identifying Charter-relevant cases in civil, criminal, and administrative law.
- Conducting a proportionality analysis in cases involving restrictions of rights.
- Use of the Charter to assess national legislation and administrative measures.
- Drafting judicial decisions referencing the Charter and CJEU jurisprudence.
- Practical simulations with case files involving Charter-based claims.

## **Module 5: Preliminary Reference Mechanism and the Charter (Art. 267 TFEU)**

Key issues:

- Identifying questions that raise Charter interpretation or validity issues.
- When references are mandatory, optional, or unnecessary.
- Writing precise and admissible preliminary questions with a clear Charter focus.
- Drafting reference orders grounded in proportionality and fundamental rights challenges.
- Procedural management of preliminary reference proceedings (including PPU).
- Techniques for prosecutors, state advocates, and lawyers to argue for or against a reference.

## **OBJECTIVES**

General Objective:

Enhance the ability of Albanian judicial actors to interpret and apply the EU Charter of Fundamental Rights coherently and effectively, in line with CJEU jurisprudence.

Specific Objectives:

- Strengthen understanding of the Charter's structure, scope of application, and limitations.
- Build the capacity to identify cases requiring Charter-based reasoning or preliminary references.
- Improve analytical and reasoning skills for applying proportionality tests.
- Develop competence in research, interpretation, and usage of CJEU case-law.
- Increase coherence between domestic judgments and EU fundamental rights standards.

## **TARGET GROUPS AND STAKEHOLDERS**

- Judges and prosecutors
- State advocates and other legal clerks and judicial assistants
- Faculty and trainers of the SoM
- State advocates and legal officers in public administration
- External experts in EU law and fundamental rights

## TRAINING METHODOLOGY

Training will adopt a blended, practice-oriented methodology, including:

- Expert-led lectures for conceptual clarity
- Case discussions and comparative analysis
- Group problem-solving exercises
- Judgment-drafting simulations
- Preliminary reference drafting workshops
- Use of bilingual materials (Albanian–English)
- E-learning modules for reinforcement

The programme will follow adult learning principles and encourage peer learning and reflective practice.

## RESOURCES AND BUDGET

Resources include:

- EU law and fundamental rights experts
- Training materials (casebooks, guides, databases)
- Digital platforms for e-learning
- Bilingual case-law databases and glossaries
- Funding from SoM budget and project-based sources

## MONITORING AND EVALUATION

Impact assessment will rely on:

- Pre- and post-training evaluations
- Participant feedback
- Quality review of judgment-drafting exercises
- Monitoring the number and quality of Charter references in domestic decisions
- Tracking the use of preliminary references raised in practice
- Annual evaluation reports

## SUSTAINABILITY MEASURES

To ensure long-term impact the following are necessary:

- Charter training modules will be institutionalized in the initial and continuous training programmes.
- A Training of Trainers (ToT) component will develop internal SoM capacity.
- A digital repository of Charter materials, case summaries, guides, templates, and key jurisprudence will be maintained.
- Annual updates will incorporate new CJEU case-law and evolving EU standards.

