

Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union and Application of the EU Charter of Fundamental Rights

NORTH MACEDONIA



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List of Acronyms

AJPP	Academy for Judges and Public Prosecutors
CJEU	Court of Justice of the European Union (in Luxembourg)
The Charter/CFREU	Charter of Fundamental Rights of the European Union
ECHR	European Convention on Human Rights
EU	European Union
PP/PP'S	Public Prosecutor/s
RNM	Republic of North Macedonia
TAP	Training Action Plan
TNA	Training Needs Assessment

1. Introduction

This document aims to draw attention to the need for judges and public prosecutors in North Macedonia to gain knowledge regarding the role, significance, and proceedings of the Court of Justice of the European Union in Luxembourg (CJEU) and to acquire skills in analyzing CJEU judgments.

The European Union (EU) has built a system for the protection of fundamental human rights and freedoms through crucial documents that regulate these issues, which are not currently included in the continuous training curriculum of judges and public prosecutors. Knowledge of the relevant EU documents is a prerequisite for understanding the place, influence and effects of the judgments of the CJEU, and in this sense, special attention is paid to them in this document.

This document is being prepared with the support of the Academy of Judges and Public Prosecutors (AJPP), which, aware of its task of increasing the capacities of judges and public prosecutors, positively assesses and supports the activity that will contribute to the improvement of the initial training programs for trainees who are candidates for judges and public prosecutors, but also to the enrichment of the continuous training program for active judges and public prosecutors, from all instances and who act in different areas of law.

Highlighting the most important aspects that should be the subject of training, the document proposes training modules and a draft agenda, as well as a methodology for approaching and implementing the training. It is desirable to involve foreign experts who have experience working with the CJEU, in order to clarify all important aspects in more detail.

2. Objectives

The purpose of the preparation of the Training Needs Assessment (TNA) for judges and public prosecutors is to determine whether the Academy for Judges and Public Prosecutors (AJPP) has so far organized training on the Charter of Fundamental Rights of the European Union (CFREU) and the proceedings of the CJEU. Within the TNA, the goal is also to get an idea of whether and to what extent the Charter of Fundamental Rights of the EU and the CJEU are covered within the initial and continuous training. Such findings will have a direct impact on the creation of an Training Action Plan (TAP) for judges and public prosecutors.

The EU in 2000, adopted the Charter of Fundamental Rights of the European Union¹ as a legally binding document, following the status it received with the Treaty of Lisbon.² The Charter is a codification of the civil, political, economic and social rights of individuals within the EU. The Charter brings together the principles of European Convention of Human Rights (ECHR), national constitutions, and international treaties, and applies to the implementation of EU law by the EU institutions and member states .

The Republic of North Macedonia (RNM) is not a member state of the EU and the decisions of the CJEU are not yet binding on our courts, but it must be borne in mind that the process of familiarizing oneself with the jurisprudence of any international court requires a longer period of time, which should begin with the principles of procedure, the manner of decision-making and the analysis of specific cases. At the same time, it is important for judges and public prosecutors to acquire skills in finding and accessing the decisions of the CJEU.

It is expected that after the implementation of the trainings, the capacities of the judiciary and the public prosecution service will be greatly strengthened in terms of knowledge of the CFREU, the EU's relationship to the European Convention on Human Rights and the proceedings and reasoning of the CJEU. It is particularly important that the TAP and the training proposal in cooperation with the AJPP be incorporated into the initial and continuous training programs, with the initial training covering a more basic approach, while the continuous training would be much more detailed and would include case analysis.

¹ Charter of Fundamental Rights of the European Union (2000/C 364/01), https://www.europarl.europa.eu/charter/pdf/text_en.pdf

² Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community, signed at Lisbon, 13.12.2007, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A 2007% 3A306%3 ATOC>

3. Methodology

In order to achieve the objectives of the TNA and the TAP, it is particularly important how the methodological approach will be taken. In doing so, a combination of methodological approaches is necessary, i.e. an analysis of relevant documents in order to become more familiar with their content, purpose, expected scope of protection, etc., which should be followed by an interview with an employee of the AJPP involved in the processes for preparing the initial and continuous training programs.

3.1. Analysis of relevant EU documents

3.1.1. Charter of Fundamental Rights of the European Union

The Charter has the same value as the EU Treaties and it covers the fundamental rights that people enjoy in the EU. It is a modern and comprehensive instrument for the protection and promotion of people's rights and freedoms in the light of changes in society, social progress and scientific and technological development.³ The EU is founded on the principles of democracy and the rule of law, with the individual at its centre, and through this approach the EU contributes to the preservation and development of common values, while respecting the diversity of cultures and traditions. In terms of content, the Charter has a total of seven chapters: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, Justice and General Provisions.

3.1.2. The Lisbon Treaty

The Treaty of Lisbon has the status of a European Reform Treaty.⁴ It was signed in 2007 and entered into force in 2009. It stipulates that the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. The EU recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the EU of 7 December 2000, as adopted in Strasbourg on 12 December 2007, which has the same legal value as the EU Treaties, namely that the provisions of the Charter may in no way extend the competences of the EU as defined in the Treaties.

In the context of training for the CJEU, the changes through which the Lisbon Treaty has affected the CJEU are significant. in terms of expanding the mandate, strengthening the role of the court, introducing new legal mechanisms, expanding access to the CJEU for individuals, expanded grounds for lawsuits, including judicial review of certain acts of the European Council, and with the fact that the Charter was given binding legal status, the competences of the CJEU were also expanded to cover issues related to fundamental human rights.⁵

³ Why do we need the Charter?, https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/eu-charter-fundamental-rights/why-do-we-need-charter_en

⁴ <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon>

⁵ The Treaty of Lisbon and the Court of Justice of the European Union, https://curia.europa.eu/jcms/jcms/P_69328/en/; Tanja Karakamisheva, The Lisbon Treaty and the European Court of Justice (Court of Justice of the European Union), *Iustinianus Primus Law Review*, Vol.2:1, 2011.

3.2. Negotiations for EU accession to the ECHR

In 2004, Protocol No. 14 to the ECHR was adopted,⁶ which provides for an amendment to Art. 59 of the ECHR and allows for the accession of the EU (as a group of member states) to the ECHR. The Protocol entered into force in June 2010 after the required number of ratifications.⁷

The Lisbon Treaty, in Article 6(2) and (3), expressly states that the EU shall accede to the ECHR and that such accession shall not affect the competences of the EU as defined in the EU Treaties. Fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, constitute general principles of EU law.⁸

Negotiations for the EU's accession to the ECHR began in 2010,⁹ and the negotiation process has not yet been completed. An initial draft accession agreement was reached in 2013, after which the European Commission submitted a request to the CJEU to rule on whether the agreement thus reached was in accordance with EU law. The CJEU, in its Opinion 2/13 of 2014, found the draft agreement inadmissible on the grounds that it was not compatible with the EU legal order.¹⁰ In doing so, the CJEU considers that accession, as proposed, could enable the European Court of Human Rights (ECtHR) to interpret and assess EU law, thereby jeopardizing the EU's autonomy. Despite the fact that potential inconsistencies between the positions of EU Member States and non-EU countries will arise after EU accession, and despite the significant concessions made to the EU, the EU's accession to the ECHR will result in a strengthening of the ECHR system.¹¹

3.3. The program for initial and continuous training in the AJPP

According to the Program for Initial Training of AJPP participants,¹² only two hours of theoretical instruction (90 minutes) are dedicated to the CJEU, the structure according to the amendments with the Lisbon Treaty, the procedures, rules and jurisdiction of the court, supervision over the execution, as well as aspects related to special jurisdictions and the three-tier judicial hierarchy. The number of lessons compared to the covered aspects related to the CJEU clearly shows that the participants receive elementary and basic knowledge about the existence of the court. The program also provides for two hours (90 minutes) of practical part of the instruction without any specific specification whether it refers to case analysis or paying more attention to any of the listed issues.

The General Program for Continuous Training of Judges and Public Prosecutors and the Specialized Program for Voluntary Continuous Training 2025-2026¹³ do not provide for topics related to the Charter for Fundamental Rights of the European Union, the Lisbon Treaty and the CJEU, which undoubtedly justifies the efforts to create an TAP for training on proceedings before the CJEU.

6 Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention Strasbourg, 13.V.2004, <https://rm.coe.int/1680083711>

7 <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty whole=194>

8 https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

9 EU accession to the ECHR ("46+1" Group), <https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/accession-of-the-european-union-to-the-european-convention-on-human-rights>

10 Opinion 2/13 of the Court (Full Court), 18.12.2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62013CV0002>

11 Tobias Lock, Implications of the Revised Draft EU Accession Agreement for the ECHR, The European Convention on Human Rights Law Review 6(1):65-101, January 2025.

12 Available at: <https://jpacademy.gov.mk/initial-training/>

13 Available at: <https://jpacademy.gov.mk/continuous-training/>

3.4. Working meeting with representatives from the AJPP

As part of the activity to conduct interviews with representatives of the AJPP, in coordination with the Director of the AJPP, a meeting was held with AJPP employees who are involved in the development of programs and the sublimation of proposals received from courts and public prosecutors' offices regarding topics for continuous training.

The interview was semi-structured, with the following questions asked regarding continuing training:

- Have there been any trainings on the CFREU so far?
- Has there been any training so far on the significance and impact of the Lisbon Treaty on the functioning of the CJEU?
- Has any CJEU ruling been the subject of training so far?
- If there were trainings for any of the above issues – how many trainings were organized, who were the lecturers, how many trainees completed the trainings, and what was the evaluation of the trainings?
- Does the respondent believe that training on the listed topics is necessary?
- Does the respondent consider it necessary to prepare an TAP for the CJEU proceedings?
- Does the respondent believe that the proposed TAP for litigation before the CJEU can be included in the continuous training program?

Are there other aspects that the respondent considers relevant that were not asked about? (open-end question)

During the interview, it was learned that so far, none of the mentioned topics have been proposed at all in the AJPP during the continuous training.

It was discussed that the AJPP has the task of preparing judges and public prosecutors in terms of gaining insights and in-depth knowledge on the aforementioned topics and that the continuous training program needs to be expanded.

The representatives of the AJPP shared the readiness of the Academy to actively engage in the process of building the capacities of judges and public prosecutors on topics that will be important for the CJEU both in an institutional sense and in terms of its competences, and the relationship of the CFREU with the ECHR, the course of proceedings before the court, who can file a lawsuit and on what grounds, as well as a practical part that would consist of an analysis of CJEU case law.

4. Target groups

4.1. Judges as participants

The inclusion of judges as a core target group in trainings dedicated to the Court of Justice of the European Union (CJEU) is of particular importance, given their key role in the application and interpretation of law. Given that within the framework of European legal standards, national judges are the “first judges of EU law”, their preparedness, knowledge of the subject matter and ability to interpret EU law are directly linked to the quality of justice in the country.

The goal of their participation is to gain:

- Deeper knowledge of the institutional set-up and functioning of the CJEU;
- Insight into the way the Court decides, as well as the methodology it applies when interpreting EU law;
- Familiarity with the development of the Court’s positions and the principles arising from its practice;
- Practical skills in using, searching and analyzing CJEU case law, including skills in identifying relevant judgments, following lines of argument and understanding the legal consequences of decisions.

In order for the training to have a real institutional impact and to strengthen the capacity of the judiciary as a whole, it is necessary to include judges from all levels of the judicial system, as well as from all legal areas in which the need to apply European law may arise. Therefore, the following should be included as trainees.

4.2. Judges by functional jurisdiction

- **Judges of the courts of first instance**, including courts of basic jurisdiction and courts of extended jurisdiction, as they are often the first instance where a question related to EU law may be raised;
- **Judges from all four appellate courts**, who play a significant role in the unification of case law and in verifying the correct application of the law by the basic courts;
- **Judges from the Supreme Court of the Republic of North Macedonia**, which plays a leading role in ensuring unity in the application of the law and whose preparedness is essential for the correct application of European standards.

4.3. Judges by field of practice

- **Judges who act in commercial cases**, given that a significant part of EU law relates to the free market, competition, public procurement, consumer protection and other economic areas;
- **Judges dealing with criminal cases**, considering that European law is increasingly penetrating the field of criminal justice, in particular through instruments such as the European Arrest Warrant, mutual recognition, the protection of fundamental rights and the application of the CFREU;

- **Judges who act in civil cases**, where European law is relevant to issues such as international jurisdiction, recognition and enforcement of foreign decisions, family law, employment relations, non-discrimination, etc.

With such broad participation, the training will contribute to creating a critical mass of judges who will be able to:

- To recognize situations in which EU law is applicable;
- To apply relevant European law in a correct and consistent manner;
- To initiate or support a culture of harmonized judicial decision-making in line with EU law;
- To raise the institutional capacities of the judiciary for the upcoming European integration processes.

4.4. Public Prosecutors as participants

The same essential reasons why judges should be covered by training on the Court of Justice of the European Union (CJEU) apply to public prosecutors. Public prosecutors play a key role in conducting criminal proceedings, assessing evidence, applying the law to specific cases, and developing legal positions that can later become part of judicial practice.

Given that EU law increasingly penetrates national criminal law – through the harmonization of criminal offences, mutual recognition of decisions, the protection of fundamental rights and the principles enshrined in the CFREU – it is essential for public prosecutors to gain a precise and systematic understanding of:

- the institutional structure and competences of the CJEU;
- the interaction between European law and national criminal legislation;
- the way in which CJEU rulings influence the interpretation of national law and criminal proceedings;
- the criteria for applying European standards in evidentiary procedures, human rights, financial investigations and cross-border cases;
- accessing, searching and using CJEU case law for argumentation in cases with a European dimension.

The involvement of public prosecutors from all levels of the hierarchical structure of the Public Prosecutor's Office of the Republic of North Macedonia is essential to ensure a unified, consistent and professional application of European standards in criminal cases. Therefore, trainees should cover:

- **Public prosecutors from basic public prosecutors' offices**, who are the first point of contact with the largest number of criminal cases and where situations in which European law may be relevant most often arise;
- **Public prosecutors from the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption**, where European law plays a significant role due to the nature of the crimes - cross-border crime, financial investigations, international cooperation, European instruments for investigation and freezing of assets;
- **Public prosecutors in higher public prosecutor's offices**, who have a role in controlling the correctness of the procedures and the valorization of the legal argumentation of the basic prosecutor's offices;

- Public prosecutors in the Republic Public Prosecutor's Office, which has a leading role in setting prosecutorial standards, creating legal policies, and ensuring unity in the application of the law.

This approach creates a systemic framework in which:

- public prosecutors will be able to independently recognize when and to what extent European law is applicable in a specific case;
- the quality of legal submissions and prosecutorial decisions will be improved;
- inter-institutional coordination will be improved, especially in matters with a European dimension;
- legal certainty and compliance with European standards will be increased;
- the overall capacity of the prosecution service for the upcoming obligations of European integration will be improved.

5. TNA findings

The main findings of the Training Needs Assessment (TNA) indicate clear gaps in the knowledge and skills of the target group – initial training trainees at the AJPP and active judges and public prosecutors. These gaps affect their ability to adequately understand, interpret and apply the decisions and case law of the Court of Justice of the European Union (CJEU).

I. Initial Training Participants at the AJPP

- Limited study time: Trainees are given a relatively small number of hours dedicated to the topic of the CJEU during their initial training. This time frame is not sufficient to acquire even a basic understanding of the role, jurisdiction and significance of the Court.
- Insufficient practical component: The training is predominantly theoretical and does not aim to develop skills in analyzing CJEU judgments, nor does it provide simulations or case studies.
- Limited knowledge of the EU framework: Most participants have no prior experience with European law, which further complicates mastering the subject matter.

II. Active Judges and Public Prosecutors

The findings indicate that both active judges and public prosecutors have serious gaps in knowledge and practical skills:

- **Not enough on trainings related to relevant EU documents**
 - The CFREU is not systematically addressed within existing training.
 - The Lisbon Treaty and its relationship with the CJEU are almost never addressed, although they are crucial for understanding the Court's contemporary role.
- **Not enough on the progress of the EU's accession to the ECHR**
 - Most judges and prosecutors do not have a clear picture of the EU accession process to the European Convention on Human Rights (ECHR).
 - Protocol 14 to the ECHR and Article 6 of the Lisbon Treaty, which are directly relevant to this topic, are not addressed in the program.
 - The implications of the EU's accession to the ECHR for national law, for judges, prosecutors and citizens remain unknown and insufficiently discussed.
- **Lack of knowledge and practical skills regarding:**
 - The institutional set-up of the CJEU (structure, bodies and working mechanisms).
 - The jurisdiction of the Court and their practical significance for national courts.
 - The course of proceedings before the CJEU (submission of questions, preliminary opinion procedure, basic rules).
 - Analysis and use of the case law (jurisprudence) of the CJEU, as well as the application of the positions and judgments in the national context.

6. Recommendations for AJPP

Considering its role as a key institution for developing the capacities of judges and public prosecutors, the AJPP should undertake activities to overcome the identified gaps. The recommendations are as follows:

- **For initial training participants:**
 - Significant increase in the number of hours of theoretical and practical teaching in the field of CJEU.
 - Inclusion of case studies and simulations for the analysis of CJEU judgments in order to acquire specific practical skills.
 - Introducing interactive training methods (group work, hypothetical case analysis, discussions).
- **For active judges and public prosecutors:**
 - Supplementing the continuing education program with at least **three thematic trainings per year**, which will be aimed at:
 1. **Relevant EU acts** (Charter of Fundamental Human Rights, Lisbon Treaty, other legal sources).
 2. **The establishment and jurisdiction of the CJEU** (institutional structure, jurisdiction and role in relation to national courts).
 3. **The practice of the CJEU** (case analyses, case law, connection with national case law).
- **Involvement of foreign experts:** The presence of practitioners and experts with experience in working with the CJEU will ensure direct transfer of knowledge, practical examples and up-to-date information on the functioning of the Court.

7. Proposed structure of the Training Action Plan for Judges and Public Prosecutors

This draft action plan aims to provide systematized and comprehensive training for judges and public prosecutors in the field of European human rights law and the functioning of the institutions of the European Union. Through three thematic modules, the training covers the normative framework context, the institutional and procedural specificities of the Court of Justice of the European Union, as well as an analysis of its case law. The structure of the program is designed to enable participants to upgrade their knowledge and skills in a way that will be applicable in their daily professional work, in particular when dealing with cases in which European Union law is relevant.

Module 1: Relevant European Union documents in the field of human rights

This module aims to introduce participants to the basic characteristics, historical development and legal consequences of key European Union documents relating to the protection of human rights. A minimum knowledge of these documents constitutes an essential basis for understanding the contemporary EU legal order and its impact on national legal systems.

The module will cover three subtopics. First, the Charter of Fundamental Rights of the EU will be reviewed, with an emphasis on its legal nature, structure and binding force. Then, participants will be introduced to the Lisbon Treaty, with a particular focus on the changes it introduces in the functioning of the EU institutions and in strengthening the system for the protection of human rights. Finally, the process and challenges related to the accession of the EU to the European Convention on Human Rights (ECHR) will be analysed, as well as the potential impact of this process on the protection of fundamental rights in Europe.

Module 2: Court of Justice of the European Union – institutional set-up and procedures

Within the framework of this module, participants will be introduced to the institutional structure, competences and procedural mechanisms of the Court of Justice of the European Union (CJEU). The focus is on the practical aspects of its work, the analysis of the types of claims and the clarification of the procedures conducted before the Court.

The institutional set-up of the CJEU will first be discussed, including its composition, organization and functional relationship with the other EU institutions. The Court's jurisdiction will then be examined, explaining the specific legal questions entrusted to it, as well as the role it plays in the uniform interpretation and application of EU law. The final part of the module will elaborate on the types of proceedings, such as infringement proceedings, preliminary rulings and annulment proceedings, including the course of the proceedings and the mechanisms for supervising the execution of its decisions.

Module 3: The practice of the Court of Justice of the European Union

The third module focuses on the analysis of the relevant case law of the CJEU, with the aim of providing participants with practical skills for applying the principles developed in its judgments. The module provides a systematized overview of significant cases and enables an in-depth understanding of the legal standards that shape the EU legal order.

By examining selected judgments, participants will become familiar with the way the Court interprets fundamental rights and resolves conflicts between EU law and national law. The analysis will include examples from areas such as non-discrimination, protection of privacy, freedom of movement, the right to an effective remedy and other areas of relevance to national judges and public prosecutors. Particular emphasis will be placed on the way in which legal arguments from CJEU judgments can be used in domestic proceedings, as well as on the development of consistent case-law in line with European standards.

8. Content of the modules and subtopics within the framework of the Training Action Plan for Judges and Public Prosecutors

MODULE 1 – RELEVANT EU DOCUMENTS	
Module objective	The aim of the module is to familiarize training participants with the basic characteristics of relevant EU documents regarding human rights.
Module duration	100 minutes

1. Name of the activity	Activity content	Processing method
Subtopic 1: Charter of Fundamental Rights of the European Union	<ul style="list-style-type: none"> Presentation of the content of the Charter, its meaning, its relationship with the ECHR and its legal status under the Lisbon Treaty 	Theoretical plenary lecture Document analysis
Working materials:	<ul style="list-style-type: none"> Charter of Fundamental Rights of the European Union (2000/C 364/01) 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	40 minutes	

2. Name of the activity	Activity content	Processing method
Subtopic 2: The Lisbon Treaty	Analysis of relevant provisions of the Lisbon Treaty in relation to the CJEU	Theoretical plenary lecture Analysis of provisions
Working materials:	<ul style="list-style-type: none"> Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community, signed at Lisbon, 13.12.2007 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	30 minutes	

3. Name of the activity	Activity content	Processing method
Subtopic 3: Negotiations for EU accession to the ECHR	Presentation of the process, challenges and expectations from the negotiations	Theoretical plenary lecture Document analysis
Working materials:	<ul style="list-style-type: none"> Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention Strasbourg, 13.V.2004 Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 13.12.2007 Opinion of the Court (Full Court) 2/13, 18.12.2014 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	30 minutes	

MODULE 2 – COURT OF JUSTICE OF THE EUROPEAN UNION

Module objective	Presentation of the specifics regarding the institutional set-up, jurisdiction, types of lawsuits, types of procedures, oversight of decisions and the course of proceedings before the CJEU	
Module duration	165 minutes	
1. Name of the activity	Activity content	Processing method
Subtopic 4: Institutional set-up of the CJEU	Basic characteristics of the CJEU, method of organization and role according to the Treaties and EU law	Plenary lecture Case analysis Good and bad practices
Working materials:	<ul style="list-style-type: none"> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 13.12.2007 Statute of the Court of Justice of the European Union 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	45 minutes	
2. Name of the activity	Activity content	Processing method
Subtopic 5: Jurisdiction of the CJEU	Types of actions before the CJEU, rights of individuals before the CJEU, scope of the CJEU's jurisdiction	Plenary lecture Analysis of cases that were acted upon Good and bad practices
Working materials:	<ul style="list-style-type: none"> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, 13.12.2007 Statute of the Court of Justice of the European Union 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	60 minutes	
3. Name of the activity	Activity content	Processing method
Subtopic 6: Types of proceedings and course of proceedings before the CJEU	The rules of procedure before the CJEU	Plenary lecture Good and bad practices
Working materials:	<ul style="list-style-type: none"> Rules of Procedure of the Court of Justice of the European Union 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	60 minutes	

MODULE 3 – THE PRACTICE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION		
Module objective	Presentation and analysis of CJEU cases	
Module duration	145 minutes	
1. Name of the activity	Activity content	Processing method
Subtopic 7: Analysis of CJEU cases	Presentation of the jurisprudence of the CJEU and Presentation of three relevant CJEU cases	Case analysis Good and bad practices
Working materials:	<ul style="list-style-type: none"> Selected CJEU cases 	
Lecturer profile:	International expert from the CJEU Domestic expert in the field of European and constitutional law	
Activity duration:	145 minutes	

9. Basic features of the training

Place of organization of the training:	AJPP
Type of training:	Continuous
Participants:	<ul style="list-style-type: none">• Public prosecutors• Judges
Group size:	Max 30 participants
Group structure:	Mixed composition of participants
Training methods:	<ul style="list-style-type: none">• Theoretical review• Analysis of relevant documents• Analysis of CJEU cases
Lecturers:	International experts with practical experience from the CJEU Domestic expert in the field of European and constitutional law
Duration:	Two-day training (total 410 minutes)
Repeating the training during a calendar year:	Three two-day trainings during one calendar year

10. Methods and techniques for mastering the modules

Theoretical plenary lecture	Theoretical review of the issues that are the topic of the training, deepening and expanding knowledge, sharing new information, presenting theoretical concepts for the purpose of defining, delimiting and properly understanding the analyzed aspects
Division and group work	Teamwork during the training allows for strengthening communication skills and helps to exchange experiences within the group. During group work, complex tasks are divided into parts and steps to be taken, time for completion is planned, and discussion and explanations regarding various assumptions, proposals, and suggestions are encouraged.
Case analysis with group involvement	An effective way to master thematic units with the analysis of practical cases. It enables full engagement, empathizing with the role, analyzing the way others act, experiences and difficulties in a specific case, drawing conclusions about good practices or mistakes in acting, the correct way to act in a real context and dealing with real situations.
Discussion Questions and Answers	Exchanging views, presenting arguments for and against a certain course of action, expressing opinions on the problem and suggestions for its solution. The summary at the end of the discussion should lead to a sublimation of what was learned from the module and a summary of the conclusions.
Evaluation of the training and suggestions for future trainings	At the end of each module, it is useful to evaluate together with the participants how much the module content helped them in enriching their knowledge, clarifying dilemmas, learning about good practices, and in unifying their actions.

11. Proposal-Agenda

TRAINING ON COURT PROCEEDINGS BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION AND THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

Academy for Judges and Public Prosecutors -

AGENDA

FIRST DAY

9:00 – 9:20	Introductory aspects, objectives and dynamics of the training Presentation of the lecturers Presentation of the participants
9:20 – 10:00	The Charter of Fundamental Human Rights in the EU (Module 1, Subtopic 1)
10:00 – 10:30	Treaty of Lisbon for the EU (Module 1, Subtopic 2)
10:30 – 10:50	Coffee break
10:50 – 11:20	Negotiations for EU accession to the ECHR (Module 1, Subtopic 3)
11:20 – 12:05	Institutional set-up of the CJEU (Module 2, Subtopic 4)
12:05 – 13:05	Lunch
13:05 – 14:05	Jurisdiction of the CJEU (Module 2, Subtopic 5)
14:05 – 14:20	Coffee break
14:20 – 15:20	Types of proceedings and course of proceedings before the CJEU (Module 2, Subtopic 6)
15:20 – 16:00	Summing up the first day of training Discussion Questions and answers

SECOND DAY

9:30 – 09:50	Explanation of the approach and methodology for case analysis Division of participants into groups Division of cases by group
09:50 – 11:15	Presenting cases to the CJEU (Module 3, Subtopic 7)
11:15 – 11:35	Coffee break
11:35 – 12:35	Group work Presentation of a representative from each group (Module 3, Subtopic 7 - continued)
12:35 – 12:50	Training evaluation

References

Charter of Fundamental Rights of the European Union (2000/C 364/01), https://www.europarl.europa.eu/charter/pdf/text_en.pdf

Treaty of Lisbon amending the Treaty on the European Union and the Treaty establishing the European Community, signed at Lisbon, 13.12.2007, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2007%3A306%3ATOC>

Why do we need the Charter?, https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/eu-charter-fundamental-rights/why-do-we-need-charter_en

The Treaty of Lisbon and the Court of Justice of the European Union, https://curia.europa.eu/jcms/jcms/P_69328/en/

Tanja Karakamisheva, The Lisbon Treaty and the Court of Justice of the European Union (Court of Justice of the European Union), Iustinianus Primus Law Review, Vol.2:1, 2011.

Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention Strasbourg, 13.V.2004, <https://rm.coe.int/1680083711>

EU accession to the ECHR ("46+1" Group), <https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/accession-of-the-european-union-to-the-european-convention-on-human-rights>

Opinion 2/13 of the Court (Full Court), 18.12.2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62013CV0002>

Tobias Lock, Implications of the Revised Draft EU Accession Agreement for the ECHR, The European Convention on Human Rights Law Review 6(1):65-101, January 2025 .

Websites visited

<https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon>

<https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=194>

https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

<https://jpacademy.gov.mk/initial-training/>

<https://jpacademy.gov.mk/continuous-training/>

