

Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union

SERBIA



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Judicial Training Needs Assessment and Training Action Plan - Litigation before the Court of Justice of the European Union

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Table of Contents

List of Acronyms	4
1. Introduction and context	5
2. Objective of the Assessment	6
3. Methodology	7
4. Findings from the Examination of the Attitudes of Focus Group Participants	8
4.1. Awareness and Understanding	9
4.2. Institutional and Educational Gaps	10
4.3. Practical and Procedural Obstacles	11
4.4. Lessons from EU Member States	12
4.5. Identified Training Needs	12
4.6. Key Areas of Knowledge	13
4.7. Practical Skills	14
4.8. Transversal Competencies	14
4.9. Recommendations	14
4.10. Conclusion	14
5. Findings Based on the Questionnaire Distributed to All Judicial Authorities of General and Special Jurisdiction (Commercial Courts, Commercial Appellate Courts, and the Administrative Court) in the Republic of Serbia	15
5.1. Section A: Respondent Profile	16
5.2. Section B: Relevance and Awareness of Thematic Areas	16
5.3. Section C: Subtopics / Content and Competency Gaps	17
5.4. Section D: Urgency and Priorities	19
5.5. Section E: Current Application, Practice, and Challenges	19
5.6. Section F: Training Format, Logistics, and Preferences	20
5.7. Executive Summary – Key Findings from the Questionnaire “Training Needs Assessment for Judges and Prosecutors on the Application of the EU Charter of Fundamental Rights and Data Protection”	21
6. Key Findings and Conclusions	22
7. Recommendations	23
8. Training Plan – Application of the Charter of Fundamental Rights of the European Union in the Judiciary of the Republic of Serbia	24
8.1. Introduction and Context	24
8.2. Training Programme Objectives	24
8.3. Institutional Framework	25
8.4. Methodology and Approach	25
8.5. Structure and Thematic Areas of Training	25
8.6. Activity Plan and Timeframe (January – December 2026)	25
8.7. Target Group and Participant Coverage	26
8.8. Performance Indicators	27
8.9. Evaluation and Monitoring	27
8.10. Sustainability and Dissemination of Results	27
8.11. Conclusion	27

List of Acronyms

CJEU	Court of Justice of the European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EJTN	European Judicial Training Network
EU	European Union
FRA	European Union Agency for Fundamental Rights
GDPR	General Data Protection Regulation
LMS	Learning Management System
OTNA	Operational Training Needs Analysis
TFEU	Treaty on the Functioning of the European Union
The Charter	Charter of Fundamental Rights of the European Union
TNA	Training Needs Assessment

1. Introduction and context

The Charter of Fundamental Rights of the European Union (hereinafter: the Charter) became legally binding with the entry into force of the Lisbon Treaty in 2009. It brings together civil, political, economic, and social rights in a single, modern framework that applies both to EU institutions and to the Member States when they implement EU law (Article 51).

For Serbia, as a candidate country for EU membership that is actively harmonizing its legislation with the *acquis communautaire*, the Charter already has a *de facto* influence on domestic law and judicial practice. As Serbia adopts EU directives and regulations, national courts and public prosecutor's offices increasingly encounter situations falling within the scope of EU law – which implicitly triggers the application of the Charter.

In accordance with the obligations under Chapter 23 (Judiciary and Fundamental Rights), holders of judicial functions must develop a clear understanding of when and how the Charter applies, how it connects with the Constitution of the Republic of Serbia and the European Convention on Human Rights (ECHR), as well as how its provisions are interpreted in accordance with the case law of the Court of Justice of the European Union (CJEU). This further means that there is a need not only for legislative harmonization, but also for building the judiciary's capacity to interpret and apply European standards of fundamental rights, particularly the Charter of Fundamental Rights of the European Union (hereinafter: the Charter).

Domestic courts will increasingly face cases in which EU law is applied – or situations where national law will have to be interpreted in the light of EU norms – and they will have to know when and how the Charter becomes relevant.

2. Objective of the Assessment

The objective of this Training Needs Assessment (TNA) is to:

- Map the existing knowledge, gaps, attitudes, and needs of judicial office holders and legal practitioners in Serbia regarding the Charter and other EU fundamental rights instruments;
- Identify priority thematic areas, skills, and levels of expertise necessary for effective implementation;
- Examine the current use of the Charter and the case law of the Court of Justice of the EU in practice, as well as the motives for invoking EU law sources;
- Compare the situation with practices in the EU and its Member States, including findings from the CEPOL OTNA report;
- Propose the structure and training plan that will integrate these needs into the programs of the Judicial Academy and the system of continuous professional development.

3. Methodology

The assessment is based on:

- An analysis of various documents used in similar assessments within EU Member States, particularly focusing on operational training needs analyses related to law enforcement within the EU¹;
- A comparative analysis of the practices of Croatia, Romania, and Bulgaria;
- A developed focus group guide for judicial office holders and legal practitioners (see Annex 1);
- Findings obtained from participants in focus groups organized with legal practitioners, judges from various levels of the judiciary, and public prosecutors;
- Findings from the questionnaire distributed to all general jurisdiction judicial bodies in the Republic of Serbia, which was answered by 529 respondents (see Annex 2);
- A preliminary mapping of existing training programs within the Judicial Academy and their coverage of EU law.

¹ More about on further link: https://www.cepol.europa.eu/api/assets/CEPOL_OTNA_Fundamental_Rights_and_Data_Protection.pdf

4. Findings from the Examination of the Attitudes of Focus Group Participants

During September and October 2025, four focus groups were held, namely with: legal practitioners from among lawyers, legal researchers, and human rights defenders; representatives of courts of general jurisdiction, including judges of basic and appellate courts; representatives of courts of special jurisdiction, including judges of commercial, commercial appellate, and administrative courts; and representatives of the Republic Public Prosecutor's Offices, including basic public prosecutors and higher public prosecutors.

The focus groups lasted for 90 minutes; participants were invited to engage in open communication and to express their views freely, being assured of anonymity with regard to the creation of the report following the focus groups.

Each focus group consisted of eight sections, namely:

1. Introduction – during which the facilitator explained the purpose of the focus group, the methodology from which the questions were derived, the content of the sections, and an introductory question: “When you hear the term Charter of Fundamental Rights of the EU, what do you first think of?” with spontaneous associations (e.g., “a document of EU law,” “a duplicate of the ECHR,” “rights of EU citizens,” etc.).
2. Understanding and knowledge of the Charter – which included questions concerning the understanding of the Charter, opinions on the familiarity of judicial office holders with the Charter, as well as the availability of the Charter in their work, including databases containing data on the fundamental rights enshrined therein, their realization, and judicial protection before the Court of Justice.
3. Application of the Charter in judicial practice – which included questions on the types of cases in which the Charter is most relevant, on invoking the Charter in specific judgments, as well as on the use of the Charter in relation to national legislation.
4. Relationship between the Charter, the Constitution, and the ECHR – primarily taking into account the participants’ perceptions of their colleagues’ readiness to invoke the Charter in various situations.
5. Institutional and educational challenges for the application of the Charter in the Republic of Serbia – various questions concerning perspectives and obstacles to implementation, as well as institutional possibilities for application.
6. Comparison and learning from the experiences of neighboring EU Member States – primarily concerning awareness of certain cases and practices that are or could be used in their work.
7. Perspectives and recommendations for broader application of the Charter – questions related to the needs for training and education and the appropriate model for acquiring broader knowledge about the implementation of the Charter, including proposals for increasing the visibility of the Charter.
8. Concluding considerations – the role of the Charter in the next 5-10 years within the Serbian judiciary, as well as additional recommendations and comments.

4.1. Awareness and Understanding

At the beginning, the focus group participants equated the Charter with the European Convention on Human Rights, referring to the fact that the ECHR is a legally binding document given the Republic of Serbia's membership in the Council of Europe, while they predominantly perceived the Charter as a recommended set of values but not as a legally binding international instrument, considering that the Republic of Serbia is not an EU Member State. According to the participants, most of their colleagues in Serbia know that the Charter exists, but their knowledge of its structure, content, and legal effect is minimal, given the workload and the lack of time to study the implementation of an international instrument that is not legally binding in their work.

According to some participants, the Charter is more often used as a corrective method consulted for reasoning purposes, with the goal of developing a more modern understanding and interpretation of the rights guaranteed by the ECHR. The Charter represents an additional argument for interpreting certain contentious issues that appear in cases concerning human rights and freedoms – in this sense, it currently serves as a value-based guide correlated with the ECHR.

The Charter is significant in view of the Republic of Serbia's obligation to align with the EU's legal acquis; however, almost all participants do not consider it legally binding. The Charter addresses human rights in a more modern way than the ECHR, and in its effect, it does not enter into laws but rather binds the Member States differently.

Judges are not sufficiently familiar with this document, primarily because previous trainings included a narrower group of people and were not available to all judges. The level of training is not at the level it should be in perspective, especially considering its future importance; it is more dynamic than the Convention, yet additional elaboration of human rights matters and principles is always welcome. The more we elaborate on human rights principles, the easier their practical application becomes – primarily for familiarizing citizens, but also for professionals.

All chapters of the Charter are extremely important, particularly those on freedom and security, while some individuals noted that the reasoning of CJEU decisions has been used in practice as a broader framework for formulating the reasoning of domestic court decisions. Additional importance is attached to the chapter on Equality, especially regarding the child's best interests under Article 24, which is extremely useful for interpretation before national courts. In a large number of cases, some judges apply reasoning related to the right to property indirectly, without explicitly invoking the Charter. Additional importance is also placed on the part regulating data protection, especially in commercial disputes.

Participants raised a question regarding the broader spectrum of fundamental rights provided by the Charter, what the difference is compared to the ECHR, and there still does not exist a clear distinction between these two documents.

- The difference between rights and principles (Article 52(5)) is not sufficiently understood.
- Participants mainly rely on the ECHR and the practice of the European Court of Human Rights (ECtHR), while they see the Charter as an auxiliary instrument.
- The connection between the Charter and cases in which EU law is applied (Article 51) is unclear.

"We know about the Charter in theory, but we rarely recognize when a specific case requires its application."
(Focus group participant)

4.2. Institutional and Educational Gaps

In the segment in which the availability of information about the Charter was discussed (translations, manuals, FRA tools such as Charterpedia, the case law of the Court of Justice of the EU), participants emphasized that the interpretation and use of the Charter are based on personal initiative and search. Even within the available databases of regulations, there is no translated document of the Charter itself, but participants accessed it through online searches. Some participants possess it in their personal documents, but only because they printed it themselves. Certain participants attended seminars organized within the framework of the Court of Justice, where they received materials. They are more focused on the decisions of the ECtHR; however, through some trainings of the Judicial Academy, some participants attended meetings with representatives of the judiciary from other Member States, particularly regarding the previous question. Nevertheless, the general opinion is that only a small number of judicial practitioners have had the opportunity to attend such events.

Data are insufficiently available; access depends on personal initiative; the internet in courts does not support access to Charterpedia; there are not sufficiently good technical possibilities for access. They are rather limited, confined to national websites, while access to other databases can be achieved only by using personal computers and online searches. Manuals are almost unavailable to them, and most have not yet come into possession of them.

Referring to the Charter itself in everyday work through decisions has not happened, while most have not referred to the Charter even indirectly, since it is not a source of law in the Republic of Serbia. However, after listening to other participants, most emphasized that, in terms of arguments, they will certainly refer to it more often in the future, since sources are always useful when providing reasoning in cases involving the protection of human rights. Among the participants who have indirectly referred to the Charter, when a contentious issue arises – i.e., as a preliminary question in a particular case – it was pointed out that the positions of the Court of Justice could be used, and based on them, through the reasoning of the decision, they could indicate what position was taken or what solution was adopted. That should be the focus in the future; the exceptional importance of previously decided preliminary questions before the Court of Justice is emphasized.

There have been attempts in cases related to credit processing costs, where the initiative to invoke the Charter came from the representatives of the parties in the proceedings, but it did not find wide application or understanding among the courts. The only specific case in which the position of the Court of Justice was taken into account regarding the interpretation of a right provided in the Charter concerned a status case where a child had residence in Italy and Slovenia; regarding the connecting factor, according to the Court's reasoning, judges reasoned analogously in similar cases concerning the connecting factor and the jurisdiction of courts, using the interpretation of the Court of Justice in that specific case as a standard, and later in similar future cases as well.

Another example of indirect application comes from criminal proceedings, regarding the Charter's provisions on international legal assistance in cases of extradition of persons deprived of liberty.

Participants also heard of some other examples, especially regarding the prevention of money rights, but they did not participate or decide in those cases, nor did they have them available.

The secure application of the ECHR is emphasized, while the Charter applies only to the extent permitted to holders of judicial functions by the system.

In cases where a national regulation is not in accordance with the Charter of Fundamental Rights of the EU, or with the ECHR, situations are possible where something is not regulated, but at this moment, participants would not apply either the Charter or the case law of the Court of Justice, but exclusively the ECtHR, because it is the direct corrective of national legislation.

- Within the Judicial Academy, there is no systematic module on the Charter.
- Existing courses on EU law are focused on the *acquis* but not on mechanisms for the protection of fundamental rights.
- Participants have lack access to practical tools such as the EU Agency for Fundamental Rights (FRA) Charterpedia, commentaries, and collections of CJEU judgments in the Serbian language.
- There are no national guidelines or reference cases demonstrating how to apply the Charter in domestic proceedings.

4.3. Practical and Procedural Obstacles

Institutional and educational challenges for the application of the Charter in the Republic of Serbia – various questions regarding the perspective of application and obstacles, as well as institutional possibilities for implementation.

What obstacles do you see for the application of the Charter in Serbia?

Lack of education, guidelines, translations, access to judgments of the Court of Justice of the EU?

Do participants have sufficient technical and professional support?

According to participants' opinions, categorically, there is currently neither enough support, nor enough knowledge, nor enough possibilities, taking into account the Charter of Fundamental Rights. Translations are also unavailable; there is a lack of support in terms of the IT system; insufficient education – without it, adequate application is impossible. Work must be done gradually on preparing the judiciary for the application of the Charter; ad hoc solutions are by no means welcome. The emphasis is on the education of all holders of judicial functions and on technical support, especially regarding external internet access, which to a large extent prevents further research in this area.

Would it be useful to establish Charter contact points in judicial institutions, as was done in Croatia?

The participants unanimously agreed that this is a good mechanism, but on the condition that the persons assigned such a role must be adequately compensated. The worst scenario would be for this to be assigned, as part of regular duties, to one of the judges or prosecutors who are already burdened with a large number of cases. In some courts, there are judges assigned to monitor the practice of the ECtHR and the Court of Justice, who then inform their colleagues about reference issues. However, this is very rare and again relies on personal initiative, overtime work, and inadequate financial compensation for the expanded scope of duties. It cannot be based on personal enthusiasm. Currently, in all other judicial institutions, it is limited exclusively to ECtHR decisions concerning Serbia and to second-instance decisions.

The national network of the Judicial Academy used to function when it had support through projects; however, in recent years, it has been reduced only to pro bono engagement, whereby the enthusiasm of all interested parties has drastically declined given the workload.

Participants were asked about the readiness of holders of judicial functions to use the case law of the Court of Justice of the EU, including the procedure for referring preliminary questions (preliminary ruling):

- *Would that require special training or support?*

It definitely would, especially since the holders of judicial functions are not informed about how the preliminary ruling procedure before the Court of Justice operates.

- The participants are uncertain where domestic law ends and where EU law begins.
- There is insufficient understanding of the preliminary ruling procedure (Article 267 TFEU) as a future instrument of cooperation with the Court of Justice of the EU.
- The lack of national practice referring to the Charter reduces its visibility.
- Poor cooperation with judicial institutions of EU Member States limits the exchange of experiences.

4.4. Lessons from EU Member States

- Croatia, after 2013, integrated the Charter into national strategies and training programs. Contact points for the Charter were established within courts and ministries.
- Romania demonstrated the importance of clarifying the relationship between constitutional review and the Charter, so that judges know when the Charter complements national standards.
- Bulgaria, through the practice of the Court of Justice (e.g., *Milkova v. Bulgaria*), demonstrated how the Charter extends protection against discrimination.

The participants, except for two of them, did not have the opportunity to become acquainted with examples of the application of the Charter in judicial practice in EU Member States in the neighborhood, particularly because the Charter has not been in focus, given the time they have available in their work and for research.

Conclusion: The training of participants must combine doctrinal knowledge and practical learning through cases, focusing on argumentation rather than abstract theory.

4.5. Identified Training Needs

What specific measures, in your opinion, would most contribute to the Charter actually being used in Serbia?

- *Trainings?*
- *Manuals?*
- *Online databases of examples and judgments?*
- *Guidelines from the Supreme Court?*

It is necessary to include all these combined; it is necessary to slowly begin with implementation, especially to create a foundation for younger generations; ad hoc application is by no means desirable. Participants believe that workshops and peer sessions with judges and prosecutors from Member States would best contribute to transferring living words and practices from neighboring countries. The application of the Charter requires time and good preparation.

Trainings are of exceptional importance, but attention should be paid to who the lecturers are—both from Serbia and from the region—since, besides knowledge, they need to have the skill to convey it. An organized and adequate database of judicial practice is necessary, with good search filters and proper translation into Serbian, as a first step. Logistically, it is more difficult to organize trainings that cover all branches of the judiciary, due to the large number of employees who need to attend them. Also, when selecting participants for training, it is always necessary to ask for their interest, because not all holders of judicial functions are interested—it is wrong to impose the broadening of knowledge on everyone.

Permanent programs of the Judicial Academy are necessary, but it is also important to carry out good promotion of the LMS, so that it is visible to everyone.

How could the “visibility” of the Charter in practice be increased—through judicial argumentation, reasoning of judgments, or through recommendations from court administration?

First and foremost, by making the text of the Charter available, since it is not in the database of judicial practice, especially in places where holders of judicial functions are accustomed to searching for legislation and case law.

According to participants' views, there are two main ways: first, to empower lawyers to invoke the provisions of the Charter, which will thereby motivate prosecutors and judges to refer to their requests.

The second and most important way is the pyramidal system—referring to the principles of the Charter starting from the Supreme Court of Cassation, which then passes opinions and interpretations down to lower courts of general and special jurisdiction. On the other hand, the same applies to the Republic Public Prosecutor's Office. This pyramidal approach, that is, inclusion of the Charter in the judicial system from the top, can motivate basic courts and basic public prosecutor's offices to one day directly apply EU law norms.

Training of trainers is the first step, consisting of domestic holders of judicial functions or representatives from Member States that share a similar linguistic area, as they best understand the local sensibility of legal practitioners in the Republic of Serbia. The group participants absolutely supported the systemic strengthening of capacities and the establishment of a system for the application of the Charter in Serbia.

4.6. Key Areas of Knowledge

- Legal character and structure of the Charter (7 chapters, 54 articles);
- Scope of application – Article 51 and the interpretation of the Court of Justice of the EU;
- Difference between “rights” and “principles” (Article 52);
- Relationship with the ECHR and constitutional standards (Articles 52(3) and 53);
- Key case law (e.g., Åkerberg Fransson, Digital Rights Ireland, Milkova);
- Link between the Charter and EU sectoral law (asylum, labor law, data protection, prohibition of discrimination).

4.7. Practical Skills

- Recognizing cases involving the application of EU law;
- Applying the test of proportionality and necessity under Article 52;
- Comparative interpretation between the standards of the Charter and the ECHR;
- Use and analysis of the judgments of the Court of Justice of the EU;
- Preparation of potential questions for a preliminary ruling.

4.8. Transversal Competencies

- Knowledge of the institutional framework of the EU and rights protection mechanisms (FRA, European Commission, Court of Justice of the EU);
- Understanding the concept of conditional sovereignty in the accession process;
- Communication and cooperation with colleagues and trainers on issues related to the Charter.

4.9. Recommendations

Introduce a special module on the Charter in the programs of the Judicial Academy (initial and continuous training).

- » Include lessons on application, interpretation, and the relationship with the ECHR.
- » Apply the “case-based learning” method.

Develop practical tools and resources for participants:

- » A manual on the Charter in the Serbian language;
- » An online database of relevant judgments (EU and national);
- » Translations and commentaries on selected articles of the Charter.

Establish a network of trainers and contact points for the Charter within the judiciary:

- » Train judges who would serve as reference persons in appellate courts and the Academy.
- » Encourage exchange with colleagues from Member States (e.g., Croatia, Slovenia, Romania).

Strengthen cooperation with EU and regional institutions:

- » Use resources of the FRA and the EJTN network.
- » Organize joint workshops with judicial training schools from new Member States.

Encourage pilot practice of invoking the Charter:

Select areas (most represented before the Court of Justice) and analyze the first cases.

Include the Charter in the monitoring of Chapter 23—measure progress in training and awareness of holders of judicial functions.

4.10. Conclusion

The assessment confirms that holders of judicial functions in Serbia recognize the importance of the Charter, but lack systematic knowledge, practical experience, and institutional support for its consistent application.

Strengthening capacities for the application of the Charter is not only part of the EU accession process but also a foundation for improving judicial reasoning, protecting human rights, and preparing the Serbian judiciary for full participation in the European legal area.

5. Findings Based on the Questionnaire Distributed to All Judicial Authorities of General and Special Jurisdiction (Commercial Courts, Commercial Appellate Courts, and the Administrative Court) in the Republic of Serbia

The questionnaire (Annex 2) was prepared in accordance with the CEPOL methodology and relates to the analysis of training needs regarding EU fundamental rights and data protection. A total of 529 respondents from courts and public prosecutor's offices of general jurisdiction, and courts of special jurisdiction, participated in the questionnaire.

5.1. Section A: Respondent Profile

Of the total number of respondents, 207 are judges, 47 public prosecutors, and 276 judicial and prosecutorial associates, assistants, and trainees.

250 respondents, or 47.3%, are employed in basic courts, 70, or 13.2%, in higher courts, 60, or 11.3%, in higher public prosecutor's offices, 49, or 9.3%, in commercial courts, 44, or 8.3%, in basic public prosecutor's offices, 19, or 3.6%, in appellate courts, 20, or 3.8%, in appellate public prosecutor's offices, 8, or 1.5%, in commercial appellate courts, and 9, or 1.7%, in the Administrative Court.

33.6% of respondents have been performing their current role for more than 15 years, 25.9% for 0–3 years, 23.1% for 4–7 years, while 17.4% have been in their current position for 8–15 years.

Of the total number of respondents, 66% have never attended any training on any of the following topics: 1) EU law / EU fundamental rights; 2) European Convention on Human Rights (ECHR) / Strasbourg case law; 3) Data protection / GDPR; 4) Digital evidence, new technologies. 13.2% of respondents attended training on the European Convention on Human Rights (ECHR) / Strasbourg case law; 7% on data protection; 4.2% on digital evidence and new technologies; and 4% on EU law / fundamental rights from the Charter. Slightly less than 6% of respondents have attended all the above-mentioned trainings or several of them.

Additional training topics that respondents attended, which were not listed among the offered answers, include: Ethics and integrity, Proceedings in juvenile cases, Environmental law, Protection of the right to a trial within a reasonable time, EU best practices in complex criminal investigations and trials for serious and organized crimes, Juveniles as perpetrators of criminal offenses and minors who are victims of criminal offenses, International legal assistance in civil matters and family law disputes with an international element, Inspection as an evidentiary action – advanced and new scientific methods in forensic criminology, Procedures for examining and protecting particularly vulnerable witnesses.

Of the total number, 39% of respondents prefer live workshops or seminars, 26.7% training based on practical examples and exercises, 12.9% learning from colleagues/study visits, 9.6% online and e-learning modules, 7.9% combined online and in-person training, 2.9% webinars, and 1.2% training of trainers.

5.2. Section B: Relevance and Awareness of Thematic Areas

Of the total number of respondents, 35% consider the topic "Introduction to EU Fundamental Rights" relevant for training with a rating of 5 on a scale of 1–5; 17% rated it 4; 27% rated it 3; 6.8% rated it 2; and for 14.2% of respondents, this topic is not relevant.

Regarding the topic "Data Protection – national and EU law," 45.9% of respondents consider it extremely relevant with a rating of 5; 18.1% rate it 4; 24.6% rate it 3; 4% rate it 2; and 7.4% do not consider it relevant to their current work.

The topic "Impact of Digitalization and New Technologies" is considered extremely relevant by 52.2% of respondents. 21% rated it 4, 16.8% rated it 3, 4.9% rated it 2, and 5.1% do not consider it relevant at this time.

Of the total number of respondents, 25.7% consider “Management / Institutional Leadership and Compliance with EU Law” an extremely important topic. 14.7% rated it 4, 27.2% rated it 3, 12.9% do not consider this topic particularly relevant, and 19.5% do not consider it relevant at all (rating 1).

Of the total number of respondents, 49.9% consider “Victims’ Rights and Procedural Rights from the Perspective of EU Fundamental Rights” extremely important. 14.6% rate it 4, 17.8% rate it 3, 4.5% rate it 2, and 13.2% rate it 1.

EU law standards governing the rights of children/minors in judicial proceedings are considered extremely relevant by 53.7% of respondents. 13.4% rated it 4, 12.5% rated it 3, 4.9% rated it 2, and 15.5% do not consider it relevant in their current role.

Regarding the topic “Hate Crime / Discrimination / Non-Discrimination,” 42.9% consider it extremely important, 15.5% rated it 4, 17% rated it 3, 7% rated it 2, and 17.6% consider this topic not relevant.

Of the total number of respondents, 32.1% rated “Emergency / Crisis Situations” as extremely important (5), 19.8% rated it 4, 22.1% rated it 3, 9.1% rated it 2, and 16.8% rated it 1.

Regarding topics that respondents would additionally consider relevant for training within the spectrum of EU Charter fundamental rights, the following were highlighted: Domestic violence, Environmental protection, Corruption, Human trafficking, Terrorism and evidence through materials from other countries, Extradition, Right to asylum, Prevention of money laundering, Compensation, Registration of property rights and enforcement, Legal guarantees, Freedom of thought and expression, and Workplace protection.

5.3. Section C: Subtopics / Content and Competency Gaps

Within the third section of the questionnaire, respondents were asked, for each main topic they rated as relevant in question 5, to indicate the need for training for subtopics (1 = no need, 5 = very strong need).

The overview of subtopics is as follows:

1. Data Protection

- Basic principles of data protection / legal basis (national & EU) – 35% rated it 5;
- Data security, integrity, quality – 40.6% rated it 5;
- Cross-border data processing and transfers – 32.5% rated it 5;
- Rights of data subjects – 38.2% rated it 5;
- Handling data protection requests / refusals – 40.8% rated it 5;
- Online aspects, big data, artificial intelligence / predictive analysis – 36.1% rated it 5;
- Data protection in judicial proceedings / court practice – 50.1% rated it 5;
- Interaction with fundamental rights (privacy, freedom of expression) – 43.7% rated it 5.

Considering the above, the largest share of respondents (50.1%) considers the subtopic “Data protection in judicial proceedings / court practice” the most significant in this area, taking into account EU law and the application of the Charter of Fundamental Rights. On average, 40% of respondents consider this topic extremely important regarding lack of knowledge and training needs.

2. Impact of Digitalization and New Technologies

- Use of body cameras, drones, facial recognition – 40.3% rated it 5;
- Use of AI / algorithmic support for decision-making – 38% rated it 5;
- Digital evidence, e-discovery, big data – 43.7% rated it 5;
- Mass surveillance, metadata, location tracking – 37.1% rated it 5;
- Digital rights (e.g., access rights, anonymity) – 40.8% rated it 5;
- Cybersecurity and evidence integrity – 43.3% rated it 5.

In this segment, the most significant subtopic is “Digital evidence, e-discovery, big data,” both in terms of respondent interest and the assessment of knowledge gaps and training necessity.

3. General Fundamental Rights and Procedural Rights under the Charter

- Operational context (use of force, deprivation of liberty) – 41.6% rated it 5;
- Procedural guarantees for the suspect / accused – 39.5% rated it 5;
- Rights of detainees, pre-trial detention, supervision – 38.8% rated it 5;
- Freedom of expression, information, assembly – 45.4% rated it 5;
- Non-discrimination, equality, diversity – 40.3% rated it 5;
- Protection in emergencies (public danger, pandemic) – 33.5% rated it 5;
- Rights of children, vulnerable persons – 47.3% rated it 5;
- Interaction with national constitutional / legal system – 37.2% rated it 5.

For the subtopic “Rights of children and vulnerable persons,” the largest share of respondents assessed that competency gaps exist regarding rights and freedoms guaranteed by the Charter, with 47.3% expressing the necessity for training as a priority.

For additional areas within the topic of Fundamental and Procedural Rights, respondents most highlighted the lack of the subtopic “Freedom of thought, conscience, and religion” as well as “Freedom of expression and environmental protection” regarding the application of the Charter of Fundamental Rights.

4. Management / Institutional Leadership and Compliance in the Application of the Charter of Fundamental Rights

- Strategy for incorporating fundamental rights into court / prosecutor’s office work – 28.4% rated it 5;
- Leadership skills, ethics, integrity, accountability – 33.3% rated it 5;
- Internal procedures / policies for the protection of rights under the Charter – 29.5% rated it 5;
- Handling complaints, whistleblowers, responsibility – 29.5% rated it 5;
- Communication with the public / transparency – 34.8% rated it 5.

For the subtopic “Communication with the public / transparency” as a principle of the Charter of Fundamental Rights, the most responses indicated a need for training, although for this whole category regarding the need for training on compliance of judicial authorities with the Charter, the lowest interest among respondents was expressed.

Regarding all previously mentioned topics where respondents answered with a rating of 5:

- 34.2% consider training should achieve familiarization / basic level;
- 28.4% expressed a desire to reach practitioner / operational level;
- 26.5% expressed a desire to reach an advanced practical level;
- 6.8% for achieving expert level;
- 4.2% expressed a desire for training of trainers.

5.4. Section D: Urgency and Priorities

In this part of the questionnaire, respondents were asked to rank categories according to priority for training in the mentioned areas.

- 49% of respondents consider recently appointed judges and prosecutors the priority group for attending training on the application of the Charter of Fundamental Rights.
- 28.8% consider judges in higher and appellate courts the priority group.
- 11.5% consider specialized courts the priority group.
- Slightly over 11% of other respondents consider that all holders of judicial functions should attend all priority trainings to strengthen capacities for the application of the EU Charter of Fundamental Rights.

Regarding whether there are institutional barriers that could hinder the implementation of training:

- 47.4% of respondents consider the main challenge to be lack of time / high workload;
- 24% consider lack of funds and budget for the mentioned trainings;
- 7.9% think the main challenge is lack of institutional support;
- 6% each consider lack of incentives and recognition, as well as unfamiliarity with digital tools such as LMS platforms;
- About 10% of respondents consider all of the above as challenges.

5.5. Section E: Current Application, Practice, and Challenges

In the fifth section of the questionnaire, respondents were asked: *Have you already used or referred to EU fundamental rights norms or Charter provisions in your judicial decisions / work in Serbia? (on a scale from 1–5:*

5 – I use them often and constantly expand my knowledge
4 – I use them occasionally, improve myself, and try to apply them increasingly
3 – I use and refer to them less often than I should
2 – I almost never use or refer to them
1 – I never use them in my work).

- 35.2% of respondents answered that they never use nor refer to EU fundamental rights norms or Charter provisions.
- 25.3% almost never used or referred to the Charter.
- 22.5% stated that they use and refer to the Charter less often than they should.
- 12.1% of respondents stated that they use the Charter occasionally in their work, improve their skills in this area, and will strive to apply it more extensively.
- 4.9% of respondents stated that they often use the Charter in their work and constantly expand their knowledge regarding its application.

The main challenges regarding the application of the Charter identified by respondents were: lack of judicial practice from EU Member States, lack of manuals, workload, lack of technical support such as external internet in judicial bodies, insufficient information, ad hoc use of the Charter depending on the case, and the non-mandatory nature of the national judiciary to refer to and interpret EU law.

When asked which resources or support are currently available to help apply the Charter of Fundamental Rights:

- 52.2% indicated the Case Law Database,
- 14.6% – Guidelines and procedures,
- 16.6% – Judicial commentaries and legal opinions,
- 2.6% – Institutional manuals,
- 4.7% – International exchange of experiences through seminars and working groups.
- 10% of respondents indicated that all of the above are available.

5.6. Section F: Training Format, Logistics, and Preferences

Regarding preferred training duration:

- 30.2% of respondents preferred a one-day training,
- 26.1% a two-day training,
- 25.9% a half-day training,
- 14.7% a multi-month/periodic training.
- Around 15% of respondents stated that the format was not important.

Regarding the preferred delivery method:

- 54.4% preferred in-person training,
- 14.7% – virtual/online training,
- 13.6% – blended training,
- 11% – learning with peer colleagues from EU Member States,
- 4.5% – self-paced learning.

When asked whether they would value learning together with other judicial function holders from EU Member States / Western Balkan countries:

- 62.6% answered Yes,
- 13.8% No,
- 23.6% Maybe, depending on costs/logistics.

Regarding support and tools after training:

- 28.9% indicated online manuals and guides would be useful,
- 27.2% indicated EU case law databases,
- 21% – professional peer networks,
- 8.3% – periodic refresher webinars,
- 7.8% – mentoring support,
- 2.1% – cascade model of trainer materials.

5.7. Executive Summary – Key Findings from the Questionnaire
“Training Needs Assessment for Judges and Prosecutors on the
Application of the EU Charter of Fundamental Rights and Data Protection”

This Training Needs Assessment was conducted among 529 respondents from courts and public prosecutor offices of general and specialized jurisdiction in the Republic of Serbia, in accordance with CEPOL methodology. The aim of the research was to identify priority areas, knowledge gaps, and preferences for training on EU law, the Charter of Fundamental Rights, data protection, and the impact of digitalization on the judiciary.

6. Key Findings and Conclusions

- **Insufficient training and limited knowledge of EU law**

66% of respondents have never attended training in EU law, fundamental rights, or data protection, indicating a serious lack of institutional capacity and systematic education in this area.

- **Greatest interest in data protection and digital rights**

More than half of respondents consider data protection (45.9%) and digitalization and new technologies (52.2%) the most relevant training topics, consistent with European priorities and CEPOL findings.

- **Most significant subtopics: data protection in judicial proceedings and digital evidence**

Judges and prosecutors highlighted the application of data protection in court practice (50%) and digital evidence and e-discovery (44%) as areas with the largest knowledge gaps and greatest need for training.

- **Fundamental rights of children and vulnerable groups as a priority**

Almost half of respondents (47.3%) indicated that the rights of children and vulnerable persons are the area with the most pronounced competency gaps, requiring targeted training programs.

- **Very low practical application of the Charter**

More than 60% of respondents never refer to the Charter in their work. Main reasons include the lack of EU case law, manuals, technical support, and the perception that EU law is “distant” from the national system.

- **Main obstacles to training implementation**

The biggest obstacles are lack of time and workload (47%), lack of funds (24%), and insufficient institutional support (8%), which requires flexible, practical, and shorter training formats.

- **Most preferred learning formats**

The majority prefer in-person workshops and seminars (54%) and practical exercises and case studies (27%), confirming that interactive, experiential formats are most effective for judicial training.

- **Target group with the highest priority: newly appointed judges and prosecutors**

Almost half of respondents (49%) consider that newly appointed judges and prosecutors should be the primary target group for training on the Charter and EU rights.

- **Most requested resources post-training**

Respondents desire digital tools for continuous learning: online manuals (29%), EU case law databases (27%), and peer and mentor networks (21%), indicating the need for permanent support systems and e-resources.

- **Low awareness of institutional leadership in law**

The least interest was recorded for management, ethics, and institutional transparency topics, indicating that the concept of “leadership in fundamental rights” within courts and prosecutor offices is still developing.

7. Recommendations

The results clearly indicate the need to establish a structured, multi-phase training program that combines: basic and advanced modules on the Charter, data protection, and digital rights; interactive learning methods (case studies, peer-to-peer sessions); and continuous digital support (online manuals, practice databases, mentor networks).

This approach would allow knowledge of the Charter to be gradually integrated into the daily work of the judiciary as an integral part of reforms under Chapter 23 and the EU accession process.

8. Training Plan – Application of the Charter of Fundamental Rights of the European Union in the Judiciary of the Republic of Serbia

8.1. Introduction and Context

The process of European integration of the Republic of Serbia entails the continuous alignment of legislation, institutional capacities, and judicial practice with the *acquis communautaire*. The Charter of Fundamental Rights of the European Union (hereinafter: the Charter) represents a normative framework that consolidates civil, political, economic, and social rights into a single system of protection. Although Serbia is not yet a member of the EU, the accession process, particularly within Chapter 23 (Judiciary and Fundamental Rights), requires strengthening the capacities of judges, prosecutors, and legal practitioners to understand and apply the Charter.

Findings from the conducted Training Needs Assessment (TNA) indicate that most judicial actors in Serbia have limited knowledge of the legal effects and application of the Charter, while expressing a high level of interest in practice-oriented training programmes. This Training Plan serves as a strategic document connecting the identified needs, institutional priorities, and European standards of judicial training.

8.2. Training Programme Objectives

8.2.1. General Objective

To enhance the capacity of judicial office holders in the Republic of Serbia to understand, interpret, and apply the Charter of Fundamental Rights of the European Union within judicial and prosecutorial practice.

8.2.2. Specific Objectives

- Develop a systematic understanding of the structure, content, and legal nature of the Charter;
- Empower judicial actors to identify cases where the Charter is applicable;
- Link the application of the Charter with the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU);
- Encourage the development of domestic jurisprudence referencing the Charter;
- Establish a permanent institutional framework for training and knowledge exchange on European fundamental rights standards.

8.3. Institutional Framework

Programme Lead: Judicial Academy of the Republic of Serbia

Partners: Ministry of Justice of the Republic of Serbia, Supreme Court of Cassation, Republic Public Prosecutor's Office, EU Agency for Fundamental Rights (FRA), European Judicial Training Network (EJTN), and Judicial Academies of Croatia, Slovenia, and Romania.

Implementation period: January – December 2026.

8.4. Methodology and Approach

The training programme is based on a combination of theoretical and practical approaches, with an emphasis on competence-based learning through practical examples and interactive engagement. The methodological framework includes:

- a) Theoretical Module – introductory lectures and analysis of key provisions of the Charter;
- b) Practical Module – case studies and analysis of CJEU judgments;
- c) Interactive Module – peer-to-peer sessions, moot court simulations, and panel discussions;
- d) Online Learning – self-paced modules delivered through the Judicial Academy's LMS platform.

The programme applies an andragogical, competence-based approach focused on experiential learning, reflection, and the practical application of knowledge. The blended model allows flexibility in line with the participants' professional obligations.

8.5. Structure and Thematic Areas of Training

Module 1 – Introduction to the Charter and EU Legal Framework

To provide participants with a solid understanding of the structure, legal nature, and scope of application of the Charter.

Key topics:

- The Charter as part of EU primary law and its relationship with EU Treaties;
- Scope of application (Article 51) and criteria for applicability in national cases;
- Rights, principles, and limitations (Article 52);
- Interpretation of the Charter in the light of CJEU case law, notably Åkerberg Fransson (C-617/10).

Module 2 – Relationship between the Charter, the Constitution of Serbia, and the ECHR

This module focuses on understanding the interrelation between the Charter, the Constitution of the Republic of Serbia, and the European Convention on Human Rights (ECHR).

Key topics:

- Comparative analysis of rights protected under the Charter, the ECHR, and the Constitution of Serbia;
- Interaction between the CJEU and ECtHR;
- The principle of complementarity and limitations of national standards;
- Application of CJEU and ECtHR case law in national proceedings.

Module 3 – Fundamental Rights in Practice

Focuses on the practical application of the Charter in daily judicial and prosecutorial work.

Key topics:

- Right to a fair trial (Article 47);
- Non-discrimination and equality before the law (Article 21);
- Rights of the child (Article 24) and protection of vulnerable groups;
- Right to property;
- Dignity and rights of persons in detention;
- Test of proportionality and balancing of competing rights.

Module 4 – Data Protection and Digital Rights in the Judiciary

Data protection and digital rights are among the fastest-evolving areas of Charter application, particularly in the context of digitalisation of justice.

Key topics:

- Legal nature of privacy and data protection (Articles 7 and 8);
- The role of the Charter in interpreting GDPR provisions;
- Analysis of key judgments: Digital Rights Ireland (C-293/12) and Tele2 Sverige (C-203/15);
- Digital evidence and balancing security and privacy;
- Application of proportionality principles to digital evidence.

Module 5 – Institutional Leadership, Ethics and Implementation of the Charter

This module addresses institutional mechanisms for embedding the Charter's standards in the work of courts and prosecution offices.

Key topics:

- Institutional application of the Charter and development of internal policies;
- Judicial ethics and integrity;
- Transparency and communication with the public;
- Development of contact point networks and mentoring systems;
- Establishment of digital resources and e-handbooks on the Charter.

8.6. Activity Plan and Timeframe (January – December 2026)

Quarter	Key Activities	Expected Results	Responsible Institution
Q1	Preparation of materials and selection of trainers; development of manuals	Completed curricula and materials	Judicial Academy
Q2	Delivery of trainings and peer sessions	Trained trainers and judges	Academy, FRA, EJTN
Q3	Study visits and online modules	Established contact network	Academy and partners
Q4	Evaluation and closing conference	Final report and recommendations	Academy and Ministry of Justice

8.7. Target Group and Participant Coverage

The programme targets newly appointed judges and prosecutors, judicial assistants and advisors, judges of higher and appellate courts, public prosecutors at all levels, and judges of commercial and administrative courts. A total of 250 participants will attend ten training cycles throughout one year.

8.8. Performance Indicators

Quantitative Indicators:

- Minimum of 10 training sessions conducted;
- 20 trainers trained;
- More than 200 participants completed training;
- Three manuals and training materials developed;
- At least 50% of participants applying acquired knowledge in practice.

Qualitative Indicators:

- Improved understanding of the relationship between the Charter and domestic law;
- Increased references to the Charter in judicial reasoning;
- Positive evaluations by participants and trainers;
- Enhanced cooperation with EU judicial institutions.

8.9. Evaluation and Monitoring

The evaluation process will be conducted in three phases: 1) Formative evaluation during the training, 2) Summative evaluation after each module, and 3) Cumulative evaluation six months after the completion of the programme. Monitoring will be carried out by a joint commission composed of representatives from the Judicial Academy and the Ministry of Justice.

8.10. Sustainability and Dissemination of Results

- Establishment of a digital database of judgments and resources on the Charter;
- Development of an e-handbook with examples of good practices;
- Creation of a national network of contact points within appellate courts;
- Periodic refresher webinars and peer sessions.

8.11. Conclusion

This Training Plan provides a comprehensive framework for strengthening the knowledge and skills of judicial professionals in the application of the Charter of Fundamental Rights of the EU. Its implementation contributes not only to the professional development of judges and prosecutors but also to the consolidation of the rule of law and the European identity of the Serbian judiciary.

