

Training Curriculum and Manual on Applying the Charter of Fundamental Rights of the European Union



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List of Abbreviations

AKT	Auto-ja Kuljetusalan Työntekijäliitto (Finnish Transport Workers' Union - involved in Joined Cases C-609/17 and C-610/17)
AMS	Association de médiation sociale (Involved in Case C-176/12)
Art.	Article
CCCS	Constructive, Contextual, Collaborative, and Self-directed learning (PBL principles)
CFR	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
DEB	DEB Deutsche Energieberatung GmbH (Involved in Case C-279/09)
EAW	European Arrest Warrant
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EJTN	European Judicial Training Network
EU	European Union
PBL	Problem-Based Learning
PPU	Procédure préjudicielle urgente (Urgent preliminary ruling procedure - used in Cases C-404/15, C-659/15, and C-601/15)
TEU	Treaty on the European Union
TSN	Työtehoseura ry (Finnish work efficiency association - involved in Joined Cases C-609/17 and C-610/17)
VAT	Value Added Tax

I. INTRODUCTION AND TRAINING FRAMEWORK

1. Introduction

1.1 Purpose and Scope of the Curriculum

This training curriculum has been developed within the framework of the project “Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights.” It is intended to provide a structured and practical framework for training judges and public prosecutors on the application of the EU Charter of Fundamental Rights (CFR or Charter).

The curriculum focuses on key aspects of the Charter that are of direct relevance for national authorities. In particular, it addresses the scope of application of the Charter, the distinction between rights and principles, the required level of protection in application of EU law, and the horizontal application of Charter provisions. These elements are central to determining whether and how the Charter applies in concrete cases.

The aim of the curriculum is twofold. First, it seeks to provide participants with a clear and structured understanding of the legal framework governing the Charter, including the relevant provisions and case law of the Court of Justice of the European Union (CJEU). Second, it aims to develop the practical ability to apply this framework in concrete situations. The curriculum therefore combines doctrinal method with case-based learning and guided discussion.

1.2 Project Background and Regional Context

The continuous legal education of the judiciary is pivotal in enhancing the skills of judges, prosecutors, and legal practitioners, fostering a shift in mindset, and equipping them with the requisite knowledge of jurisprudence from the Court of Justice of the European Union and the practical implementation of the Charter within national legal frameworks.

Supported by the Kingdom of the Netherlands, the regional project “Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the Court of Justice of the EU and Implementation of the EU Charter of Fundamental Rights” aims to strengthen the capacity of judicial actors in North Macedonia, Montenegro, Serbia, and Albania to effectively apply EU law and the EU Charter of Fundamental Rights ahead of their future accession to the European Union.

The specific objectives to be achieved through this project are (i) strengthened regional collaboration and (ii) knowledge-sharing regarding common challenges and solutions related to the EU Charter and CJEU litigation, and (iii) enhanced capacities of the judiciary for CJEU litigation and application of the EU Charter.

1.3 Target audience, knowledge and practical abilities to be developed

The training is designed for judges and public prosecutors in EU candidate countries. It is intended to support their preparation for accession to the EU, where the application of EU law, including the EU Charter of Fundamental Rights, will form an integral part of judicial and prosecutorial practice.

The curriculum aims to develop both knowledge and practical abilities. In terms of knowledge, participants are expected to acquire a clear understanding of the scope of application of the Charter, the distinction between rights and principles, and the interpretation of key Charter provisions in light of the case law of the CJEU. They should also become familiar with the relationship between the Charter, national law, and other sources of fundamental rights protection such as the European Convention on Human Rights (ECHR).

In terms of practical abilities, the focus is on preparing participants to apply this knowledge in future practice within the EU legal framework. Participants are expected to develop the ability to determine whether the Charter applies in a given situation, to identify the relevant provisions, to assess their legal nature, and to apply the relevant case law in a structured and reasoned manner.

1.4 Alignment with EU Standards and Judicial Training Principles

This curriculum is aligned with EU standards on judicial training and reflects core principles developed by the European Judicial Training Network (EJTN). It is designed to ensure a consistent and structured approach to training on the EU Charter, in line with the requirements of EU law and the practice of the CJEU. In particular, it follows the interpretative framework of the Charter, including Articles 51 to 53 CFR, as developed in the case law of the CJEU.

At the same time, the curriculum follows general principles of judicial training, such as a progressive learning structure, a practice-oriented approach, and consistency and replicability (link to the document that explains the principles is provided in the Annex). It combines a concise doctrinal component with practical application through problem-based learning. This approach allows participants to engage actively with the material and to develop practical skills in a structured manner.

II. IMPLEMENTATION OF THE CHARTER

2.1 Module 1: Understanding the Charter

Learning objectives

By the end of this module participants should be able to:

- Understand the legal nature and structure of the EU Charter of Fundamental Rights;
- Identify when the Charter applies under Article 51 CFR;
- Distinguish between rights, principles and statements under the Charter;
- Understand the relationship between the Charter, EU law and national standards of protection.

The EU Charter of Fundamental Rights became legally binding with the entry into force of the Treaty of Lisbon on 1 December 2009 and now has the same legal value as the EU Treaties. Before the entry into force of the Charter, fundamental rights were protected in EU law as unwritten general principles of EU law inspired by the European Convention on Human Rights (ECHR) and common constitutional traditions of the Member States. These sources of fundamental rights are now reflected in Article 6 of the Treaty on the European Union (TEU) which states as follows:

1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties. The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.
2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.
3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

The focus of the training, however, remains on the EU Charter as it is the source that is almost exclusively used since its entry into force.

The Charter brings together a wide range of rights in a single document, including civil, political, social, and economic rights. It also contains rights that are particularly relevant in the EU context, such as the freedom of movement, the protection of personal data, and certain rights linked to EU citizenship.

The first module starts with the basic knowledge of the EU Charter. The participants are invited to follow the link provided in the Annex below to open the document and get acquainted with it. The focus is on the main characteristics of the EU Charter, with particular emphasis on its scope of application, the distinction between rights and principles, and the required level of protection in cases that fall within the scope of EU law.

Scope of application

The starting point is Article 51(1) of the Charter, which provides that the Charter is addressed to EU institutions, bodies, offices, and agencies, as well as to Member States “only when they are implementing Union law”. This provision indicates the limits of the Charter’s applicability and is central to determining whether fundamental rights review under the Charter is triggered.

In practice, this means that national authorities are bound by the Charter when they act within the scope of EU law. This includes situations where national measures implement EU legislation, derogate from EU law, or otherwise fall within the field governed by EU law. Conversely, purely internal situations remain outside the Charter’s scope. This differs from the European Convention on Human Rights (ECHR) which has general applicability.

Does the Charter apply?



Interpretation and legal effect

Article 52 of the Charter provides interpretative guidance. Article 52(1) sets out the conditions under which limitations on Charter rights are permissible, requiring that any limitation be provided for by law, respect the essence of the right, and comply with the principle of proportionality. These correspond to the requirements of legality and proportionality in addition to the requirement that the interference must respect the essence of the right. Where the essence of the right is affected, the CJEU will generally find a violation.

Furthermore, Article 52(5) introduces a crucial distinction between *rights* and *principles*. According to this provision, rights must be respected and can be invoked directly before a court, whereas principles may be implemented by legislative and executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. Principles are therefore not directly enforceable in the same way as rights, but they may guide interpretation and review of such acts.

Distinction between rights and principles

The distinction between rights and principles is not always explicitly stated in the Charter and must often be inferred from the wording, purpose, and structure of the provision.

Charter provisions that confer individual rights must be sufficiently precise and unconditional to be invoked before a court. Examples include:

- Article 4 CFR (prohibition of torture and inhuman and degrading treatment);
- Article 21 CFR (non-discrimination);
- Article 47 CFR (right to an effective remedy and a fair trial);
- Article 31(2) CFR (right to paid annual leave).

Principles, by contrast, express broader objectives and require further implementation through secondary legislation (directives and regulations) before they can produce concrete legal effects. Examples include:

- Article 27 (workers' right to information and consultation);
- Article 34 CFR (social security and social assistance);
- Article 35 CFR (health care).

As mentioned above, the distinction has significant implications for the justiciability of Charter provisions and the way national courts are required to apply them.

In addition, some provisions are considered to be mere statements that contain declaratory or aspirational language and generally do not give rise to directly enforceable individual rights. One example is Article 22 CFR which states "The Union shall respect cultural, religious and linguistic diversity".

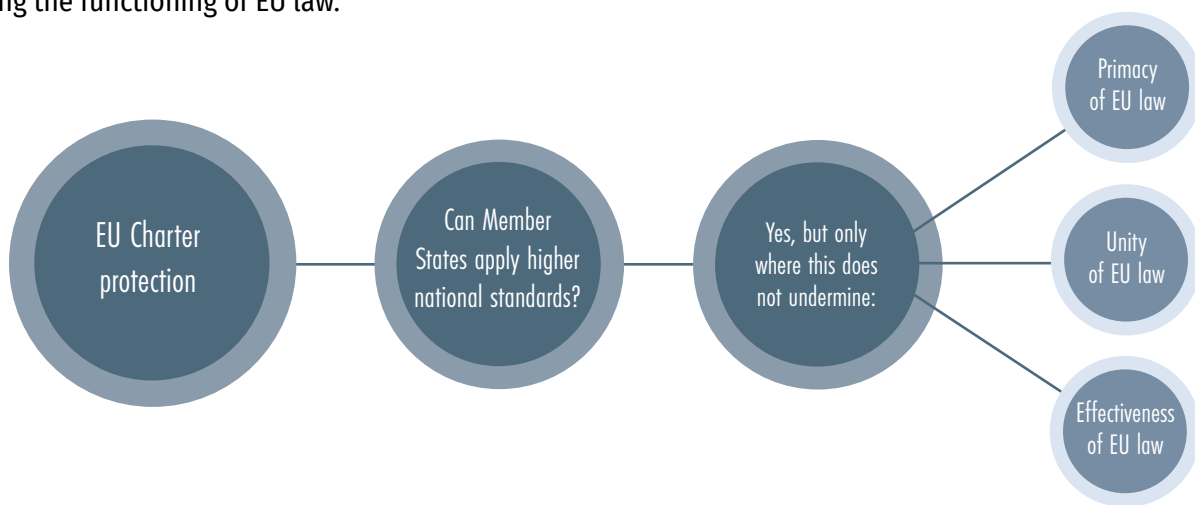
There is no complete clarity regarding all Charter provisions, but a table containing rights, principles and statements, as identified in the case law of the CJEU, is provided in PART IV.

Key takeaway

The distinction between rights and principles is essential because only rights that are sufficiently precise and unconditional can generally be invoked directly before national courts.

Level of protection and relationship with national standards

Article 53 of the EU Charter of Fundamental Rights addresses the level of protection by providing that nothing in the Charter should be interpreted as restricting or adversely affecting human rights as recognised, *inter alia*, by EU law, international law, and the constitutions of the Member States. At first sight, this provision appears to allow Member States to maintain or apply higher standards of fundamental rights protection. However, the provision must be read in conjunction with the structure of EU law, in particular the principles of primacy, unity, and effectiveness. The Charter therefore does not operate as a simple “maximum protection” clause, but rather as a provision that preserves existing sources of rights protection without undermining the functioning of EU law.



Level of protection and relationship with the ECHR

The relationship between the Charter and the European Convention on Human Rights (ECHR) functions in a similar way to the relationship between the ECHR and national systems of fundamental rights protection. In that context, the Convention sets a minimum level of protection that States are required to guarantee (in light of Article 53 of the Convention), while allowing them to provide more extensive protection at the national level. A comparable approach is embedded in Article 52(3) of the Charter, which provides that, insofar as Charter rights correspond to rights guaranteed by the ECHR, they shall have the same meaning and scope as those laid down in the Convention. This ensures consistency between the two systems and prevents the level of protection under EU law from falling below that of the ECHR, while still allowing EU law to provide more extensive protection, in accordance with Article 53 of the Charter.

Horizontal application of the Charter

The question of the horizontal application of the Charter concerns whether its provisions can be relied upon in disputes between private parties. Article 51(1) of the Charter states that it is addressed to EU institutions and to Member States when they are implementing Union law, which suggests that it is not directly binding on private actors. However, this does not mean that the Charter is irrelevant in horizontal situations. Where a dispute between private parties falls within the scope of EU law – typically because it concerns the application of EU legislation, such as directives on non-discrimination or working conditions – the Charter may become applicable indirectly through the obligations imposed on national courts.

2.2 Module 2: Charter Case Law

Learning objectives

By the end of this module participants should be able to:

- Understand the main CJEU case law concerning the Charter;
- Determine when the Charter applies in practice;
- Distinguish between rights and principles through case law;
- Understand the role of national courts in applying the Charter.

This module provides an overview of the key case law of the Court of Justice of the EU (CJEU) concerning important aspects relating to the Charter, such as the scope of application of the Charter and the distinction between rights and principles, as an understanding of these issues requires further elaboration and explanation. The module also provides all other relevant case law regarding the obligations of the national authorities, in particular courts, in the interpretation and application of the Charter. Some examples are provided below but a complete overview of the key cases (including brief explanation of each ruling) is included in PART IV of the training curriculum.

Scope of application

The CJEU has clarified the scope of Article 51 CFR in a series of judgments. A key principle emerging from this case law is that the Charter applies whenever a situation falls within the scope of EU law.

In *Kücükdeveci*, the Court held that national legislation falling within the scope of EU law must comply with general principles of EU law, including fundamental rights. Although the Charter was not yet legally binding at the time, the case laid the groundwork for later Charter-based reasoning. Subsequent case law confirms that the Charter applies not only when Member States implement EU law, but also when they act within its scope more broadly.

Key takeaway

The Charter applies whenever a national measure falls within the scope of EU law, even where the connection with EU law is indirect but sufficiently relevant.

Distinction between rights and principles

The distinction between rights and principles under Article 52(5) CFR has been further developed in the Court's case law.

In *Bauer*, the Court held that Article 31(2) CFR (the right to paid annual leave) constitutes a right that is sufficiently precise and unconditional to be invoked directly in disputes between private parties. Similarly, in *Egenberger*, the Court recognised that Article 47 CFR (right to effective judicial protection) is directly applicable and can be relied upon to disapply conflicting national law. The case highlights the role of national courts in ensuring the effective protection of Charter rights.

By contrast, provisions that qualify as principles under Article 52(5) CFR require legislative implementation and cannot, in themselves, give rise to directly enforceable claims. However, they may still play an important role in interpreting EU and national law and in reviewing the legality of acts.

Level of protection

The CJEU has interpreted Article 53 regarding the level of protection in a restrictive manner, most notably in *Melloni*. In that case, the Court held that Member States cannot rely on higher national constitutional standards where this would compromise the primacy, unity, or effectiveness of EU law. As a result, where EU law fully harmonises a field, national authorities are required to apply the level of protection determined under EU law, even if national standards are higher. At the same time, where EU law allows discretion or does not fully regulate a matter, Member States may still apply higher standards as provided in their national law or national constitutions, provided that this does not undermine EU law. The Court's approach thus reflects a balance between safeguarding fundamental rights and ensuring the uniform application of EU law, while in practice prioritising the latter where tensions arise.

Situation	Can higher national protection apply?
EU law fully harmonises the field	Usually no
EU law leaves discretion to Member States	Possibly yes

Horizontal application of the Charter

The CJEU has clarified that certain Charter provisions, where they are sufficiently precise and unconditional, can be invoked in horizontal disputes. In cases such as *Egenberger*, the Court held that national courts must ensure the full effectiveness of Charter rights, including by disapplying conflicting national law in disputes between private parties. At the same time, provisions that qualify as principles under Article 52(5) CFR cannot, on their own, give rise to directly enforceable claims in horizontal situations. The Court's approach therefore distinguishes between directly invocable rights and non-justiciable principles, while emphasising the central role of national courts in mediating the application of the Charter in private disputes. In *Bauer*, the Court held that Article 31(2) CFR (the right to paid annual leave) constitutes a right that is sufficiently precise and unconditional to be invoked directly in disputes between private parties. This case confirms that certain Charter provisions can have horizontal direct effect.

2.3 Module 3: Practical Case Analysis

Learning objectives

By the end of this module participants should be able to:

- Analyse practical cases involving the Charter;
- Identify relevant Charter provisions in concrete situations;
- Apply relevant CJEU case law;
- Structure legal reasoning concerning fundamental rights issues.

This module is based on problem-based learning (PBL) approach and centres on hypothetical cases designed to simulate realistic judicial and prosecutorial scenarios.

The specific cases are developed separately and made available in PART IV of the training curriculum that includes all supporting materials. They are carefully designed to reflect situations in which questions arise regarding:

- the applicability of the Charter;
- the identification of relevant Charter provisions;
- the distinction between rights and principles;
- appropriate level of protection;
- horizontal application of the Charter;
- more generally, the application of CJEU case law.

1. Does the Charter apply?
2. Which Charter provisions are relevant?
3. Is the provision a right or a principle?
4. What does the relevant CJEU case law say?
5. What should the final legal conclusion be?

Participants will work in small groups (or individually) and will be asked to analyse the cases by:

- determining whether the Charter applies;
- identifying the relevant provisions;
- assessing whether these provisions constitute rights or principles;
- applying the relevant case law to reach a reasoned legal conclusion.

The goal of this module is to move beyond theoretical knowledge and analytical discussion and enable participants to engage in legal reasoning and practical application. The case studies provided in PART IV also contain guiding questions that can be used by the trainers to lead the participants to solutions.

2.4 Module 4: Discussion

Learning objectives

By the end of this module participants should be able to:

- Present and discuss legal reasoning concerning Charter issues;
- Compare different approaches to Charter interpretation;
- Identify common challenges in applying the Charter;
- Reflect on practical application in national judicial practice.

The final module consists of a plenary discussion in which the outcomes of the group and/or individual work are discussed. During this session, each group presents its analysis of the hypothetical cases. This allows participants to compare different approaches to the same legal problem and to reflect on alternative lines of reasoning. The trainer then guides the discussion by emphasising key points, clarifying any misunderstandings, and linking the discussion back to the relevant Charter provisions and CJEU case law.

Particular attention is given to any recurring challenges, such as determining whether the Charter applies in a given situation and distinguishing between rights and principles in practice. Where necessary, the trainer provides additional explanation to ensure that these issues are clearly understood. Moreover, participants are invited to reflect on how the knowledge and skills developed during the training can be applied in their own work.

While this module cannot be prepared in detail in advance, as it will largely depend on the questions and reflections raised by the participants, below are some key takeaways that can be mentioned:

Key discussion point

National courts play a central role in ensuring effective protection of Charter rights and balancing national legal standards with the requirements of EU law.

- The Charter applies only where a situation falls within the scope of EU law (Article 51 CFR), but this scope is interpreted broadly and includes situations where national authorities act within the field governed by EU law.
- Determining whether the Charter applies requires a concrete assessment of the link between the national measure and EU law. Purely internal situations remain outside its scope.
- The distinction between rights and principles under Article 52(5) CFR is essential for determining whether a provision can be invoked directly before a court.
- Charter rights must be respected and can be directly relied upon, including in certain horizontal situations, provided they are sufficiently precise and unconditional.
- Charter principles require implementation through EU or national legislation and cannot, on their own, give rise to directly enforceable claims, but they remain relevant for interpretation and review.
- National courts play a central role in ensuring the effective protection of fundamental rights, including the obligation to interpret national law in conformity with EU law and, where necessary, to disapply conflicting provisions.

- The level of protection under the Charter does not automatically allow Member States to apply higher national standards where this would undermine the primacy, unity, and effectiveness of EU law.
- The Charter may be relevant in disputes between private parties where the situation falls within the scope of EU law and where the relevant provision qualifies as a right.
- Mutual trust and mutual recognition are fundamental principles of EU law, but they are not absolute and may be limited where there is a real risk of a violation of fundamental rights.
- In mutual recognition cases, national authorities may be required to assess both systemic deficiencies and the individual situation of the person concerned before taking a decision.

III. TRAINING METHODOLOGY

3. Training Methodology

Trainer tip

During discussions, trainers should encourage participants to explain not only their conclusions, but also the reasoning process that led them to those conclusions. The focus should remain on structured legal reasoning and practical application.

3.1 Role and Responsibilities of National Trainers

National trainers are tasked with ensuring transfer of knowledge and skills relating to the application of the CFR. Their role extends beyond the delivery of content and includes the facilitation of learning processes, the contextualisation of legal material, and methodological guidance.

In this regard, national trainers are responsible for ensuring that the Charter is presented accurately and in line with the most recent developments. The focus is on its scope of application and the distinction between rights, which are justiciable, and principles, which require transposition. They are further expected to situate Charter norms and the case law of the CJEU within the national legal framework and judicial practice.

Moreover, trainers also have a pedagogical role. They should facilitate interactive learning processes, including guiding participants through the analysis of hypothetical cases, encouraging autonomous legal reasoning and fostering dialogue.

3.2 Structuring and Delivering a National Training Session

Each national training session should facilitate a structured and progressive learning process, moving from conceptual understanding to practical application. Supporting material is provided for each session in Annexes below.

The training session proceeds in four steps.

First, the session begins with an introductory doctrinal component. This provides a brief introduction to the Charter and a concise overview of the relevant Charter provisions, with particular attention to:

- the scope of application of the Charter (Article 51 CFR);
- the interpretative principles (Article 52 CFR);
- the categorisation of Charter provisions into rights, principles, and mere statements, with reference to Article 52(5) CFR.
- Level of protection and relationship with national standards and the ECHR (Article 52(3) and 53 CFR)
- Horizontal application of the Charter.

Second, trainers provide an overview of the key cases in relation to the points listed above. In this part, the most relevant CJEU judgments are presented and discussed. The focus lies on the legal reasoning of the Court, the practical implications for national authorities, and the criteria used to determine whether a provision is directly invocable or constitutes a principle. The overview of the relevant case law is provided in the Annex.

Third, the training shifts to problem-based learning and application. Participants work in small groups or individually on hypothetical cases that reflect realistic scenarios. The case studies are available in the Annex. Printed copies are distributed among the participants and they are invited to “solve” the cases.

These exercises require participants to assess the applicability of the Charter, identify the relevant provisions, determine their legal nature, and apply the relevant case law to reach a reasoned outcome. The trainer can use guiding questions provided in the Annex to facilitate the exercise.

Finally, the session concludes with a plenary discussion. Group findings are discussed collectively, and trainers synthesise the key points and clarify any outstanding issues.

This structure ensures a balance between knowledge acquisition, legal analysis, and the development of practical skills.

3.3 Facilitation Techniques for Legal Professionals

The training methodology is based on facilitation techniques that are specifically tailored to experienced legal practitioners. Rather than adopting a purely instructive approach, the methodology seeks to engage participants actively and draw on their professional expertise.

The main methods are guided questioning and peer-to-peer exchange as they allow participants to ‘learn by doing’ while also contributing their own professional experiences. Trainers also provide structured feedback, offering targeted clarification while preserving the autonomy of participants’ reasoning processes.

The use of problem-based learning (PBL), particularly in the third and fourth module, ensures that the training remains participant-driven and closely aligned with real-world judicial reasoning. It is built on four learning principles derived from the constructivist learning theory: constructive, contextual, collaborative and self-directed learning (CCCS). Trainers should monitor group dynamics throughout and intervene selectively, with a view to maintaining focus and ensuring legal accuracy.

3.4 Agenda for Subsequent National Training Sessions

Trained national trainers are essentially required to reproduce the initial training for judges and public prosecutors at the national level. The reason for this is to ensure methodological consistency and uniform standards of delivery; however, limited adaptation to national legal contexts is possible if necessary and/or useful.

First, trainers should ensure that participants get acquainted with the Charter text and they should present the EU Charter framework, including its scope of application, interpretative provisions, the categorisation of Charter provisions into rights, principles, and mere statements as well as provisions relating to the level of protection. Moreover, a mention should be made of the possibility for horizontal application of the Charter. This should be done using the same conceptual structure, terminology and tables and other helpful materials provided in the initial training.

Second, trainers should provide an overview of key CJEU case law. Particular emphasis should be placed on judgments that clarify the direct invocability of Charter rights, the legal nature of Charter principles under Article 52(5) CFR, and the role of national courts and prosecutors in applying Charter standards.

Third, the training should include problem-based learning exercises. Trainers should facilitate small-group or individual work based on case studies (hypothetical cases) used in or modelled on the basis of those used in the initial training. The PBL format – comprising issue identification, small-group work and plenary discussion – should be preserved in order to ensure active learning process. The focus in this module is not on transferring knowledge in a form of a lecture but on the application of acquired knowledge in concrete situation (where the onus is on the participants while the trainer has a guiding role).

Finally, trainers should guide a plenary discussion aimed at consolidating the learning outcomes, clarifying doctrinal and jurisprudential points, and reinforcing the practical application of the Charter. Participants should be given an opportunity to link what they have learned during the training to their every-day practice.

While national trainers may adjust (and even change) examples, factual scenarios, or references to national law, they should maintain the same methodological approach in the delivery of the trainings.

IV. TRAINING MATERIALS AND ANNEXES

Practical note for trainers

The case studies may be adapted slightly to national legal contexts or current developments, while preserving the same methodological approach and learning objectives.

4.1 Table: Classification of Selected Charter Provisions (Module 1)

Provision	Subject Matter	Nature	Explanation
Art. 1 CFR	Human dignity	Right	Foundational, unconditional and directly invocable
Art. 7 CFR	Respect for private and family life	Right	Corresponds to ECHR Article 8; directly enforceable
Art. 8 CFR	Protection of personal data	Right	Explicit individual entitlement with clear content
Art. 10 CFR	Freedom of thought, conscience and religion	Right	Classical fundamental right
Art. 11 CFR	Freedom of expression	Right	Directly invocable; corresponds to ECHR
Art. 21 CFR	Non-discrimination	Right	Broad but directly applicable prohibition
Art. 31(2) CFR	Paid annual leave	Right	Recognised as directly effective in case law
Art. 47 CFR	Effective remedy and fair trial	Right	Central procedural guarantee; directly applicable
Art. 27 CFR	Workers' information and consultation	Principle	Requires implementation through EU/national law
Art. 28 CFR	Collective bargaining and action	Hybrid	Some elements justiciable, but dependent on legislation
Art. 34 CFR	Social security and assistance	Principle	Programmatic; requires legislative concretisation
Art. 35 CFR	Health care	Principle	Expresses policy objective rather than individual claim
Art. 36 CFR	Access to services of general economic interest	Principle	Depends on EU/national frameworks
Art. 37 CFR	Environmental protection	Principle	Clearly programmatic and policy-oriented
Art. 22 CFR	Cultural, religious and linguistic diversity	Statement	Declaratory; no clear individual entitlement
Art. 24 CFR	Rights of the child	Hybrid	Contains both directly applicable rights and principles

4.2 Case Law Overview (Module 2)

1. Case C-299/95 – Kremzow (1997, pre-Charter)

Facts

Mr Kremzow was convicted of murder by an Austrian court and sentenced to life imprisonment. He claimed that his right to a fair trial (as general principle of EU law) had been violated, in particular because he had not been properly heard during the proceedings. He sought to rely on EU primary law, i.e. the Treaties, arguing that his unlawful detention restricted his freedom of movement within the EU. To support his claim, he relied on the judgment of the European Court of Human Rights (ECtHR) where breach of Art 6 ECHR (fair trial) was established.

Decision

The Court held that EU law was not applicable because the situation had no sufficient connection with EU law. As a result, EU fundamental rights could not be invoked.

Reasoning

The Court examined whether the applicant's situation fell within the scope of EU law. It acknowledged that freedom of movement is protected under EU law, but emphasised that the alleged violation (unlawful criminal conviction) was governed entirely by national law. Indeed, the applicant was sentenced for murder and for illegal possession of a firearm under provisions of national law which were not designed to secure compliance with rules of EU law. The restriction on movement was only an indirect consequence of the conviction, not the result of EU law or a measure implementing it. The Court therefore concluded that there was no link between the national measure and EU law, and that EU fundamental rights could not apply in purely internal criminal proceedings.

Key finding/relevance

Establishes a restrictive approach: the Charter (and earlier general principles) applies only where there is a real and direct link to EU law.

2. Case C-144/04 – Mangold (2005, pre-Charter)

Facts

German legislation allowed fixed-term contracts for workers over the age of 52 without requiring objective justification. Mr Mangold, who was employed under such a contract, argued that this rule constituted unjustified age discrimination which is a general principle of EU law (as reflected in Directive 2000/78/EC).

Decision

The Court held that the national rule violated the general principle of non-discrimination on grounds of age and must be disapplied by the national court.

Reasoning

The CJEU found that the national measure fell within the scope of EU law because it related to a directive on equal treatment in employment. Even though the deadline for implementation of the directive

had not yet expired, the Court held that the principle of non-discrimination on grounds of age already formed part of EU law as a general principle. It reasoned that allowing the national rule to stand would undermine the effectiveness of EU law. Therefore, national courts were required to ensure compliance by disapplying conflicting national provisions.

Key finding/relevance

Introduces the idea that fundamental rights as general principles can have direct effect, even before the Charter became binding.

3. Case C-555/07 – Küçükdeveci (2010)

Facts

Under German law, periods of employment completed before the age of 25 were excluded from the calculation of notice periods. Ms Küçükdeveci, who had started working before that age, received a shorter notice period and claimed age discrimination.

Decision

The Court held that the rule was incompatible with EU law and must be disapplied.

Reasoning

The Court considered that the national rule fell within the scope of EU law because it concerned working conditions governed by Directive 2000/78. It found that excluding periods of employment based solely on age constituted unjustified discrimination. The Court emphasised that the principle of non-discrimination is a general principle of EU law, now also reflected in the Charter. It therefore required national courts to disapply national law that conflicts with this principle, even in disputes between private parties.

Key finding/relevance

Confirms horizontal effect of fundamental rights reasoning and strengthens the role of national courts in cases falling within the scope of EU law.

4. Case C-279/09 – DEB (2010)

Facts

A company sought legal aid to bring a claim but was denied under German law, which limited legal aid to natural persons. The company argued that this prevented it from accessing the courts effectively.

Decision

The Court held that Article 47 CFR may apply to legal persons and that access to justice must be effective.

Reasoning

The Court examined whether denying legal aid made it impossible or excessively difficult to exercise rights under EU law. It emphasised that the right to an effective remedy requires practical and ef-

fective access to courts. The Court reasoned that legal persons may also require legal aid in certain circumstances and that a blanket exclusion could undermine this right. It therefore required national courts to assess whether such limitations are proportionate.

Key finding/relevance

Expands Article 47 CFR and clarifies that rights must be practical and effective, not theoretical and illusory (which is also how the ECtHR interprets the right to effective remedy under the ECHR).

5. Case C-617/10 – Åkerberg Fransson (2013)**Facts**

Mr Fransson faced both tax penalties and criminal proceedings for VAT fraud. He argued that this violated the *ne bis in idem* principle under Article 50 CFR.

Decision

The Court held that the Charter applied because the case concerned VAT, which is governed by EU law.

Reasoning

The Court focused on whether the national measures were connected to EU law. It held that since VAT is harmonised at EU level, national penalties relating to VAT enforcement fall within the scope of EU law. The Court rejected a narrow interpretation of Article 51 CFR and clarified that the Charter applies whenever national law is linked to EU law, even indirectly. This ensured uniform protection of fundamental rights in areas governed by EU law.

Key finding/relevance

Establishes a broad interpretation of the Charter's scope.

6. Case C-399/11 – Melloni (2013)**Facts**

Mr Melloni challenged his surrender under a European Arrest Warrant, arguing that Spanish constitutional law required a higher level of protection as it prevents trials in absentia, which is what happened in his case (although he was aware of the trial and was represented by lawyers he had personally appointed).

Decision

The Court held that Spain could not rely on higher national standards if this undermines EU law.

Reasoning

The Court examined Article 53 CFR and its relationship with EU law. It held that allowing Member States to apply higher national standards in this context would compromise the uniformity and effectiveness of EU law, particularly in mutual recognition systems. The Court therefore prioritised EU standards where harmonisation is complete.

Key finding/relevance

Clarifies limits of national constitutional autonomy under the Charter.

7. Case C-206/13 – Siragusa (2014)

Facts

Mr Siragusa carried out construction works in a protected area and relied on the Charter to challenge sanctions. He invoked the right to property under Article 17 CFR to challenge a demolition order for unauthorized building alterations.

Decision

The Court held that the Charter did not apply.

Reasoning

The Court examined whether the national measure implemented EU law. It found that the connection to EU environmental law was too indirect: the national rules pursued their own objectives and were not required by EU law. The Court stressed that not every situation falling within a broadly regulated field triggers the Charter. A sufficiently direct connection is required.

Key finding/relevance

Refines the limits of Article 51 CFR.

8. Case C-176/12 – AMS (2014)

Facts

The case concerned workers' representation and reliance on Article 27 CFR (workers' right to information and consultation). The provision states as follows: "Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Community law and national laws and practices."

Decision

The Court held that Article 27 is a principle and cannot be directly invoked.

Reasoning

The Court analysed the wording and nature of Article 27 CFR and concluded that it requires implementation through legislation. It therefore lacks the precision necessary for direct effect. The Court emphasised the distinction in Article 52(5) CFR and held that principles cannot, on their own, disapply national law.

Key finding/relevance

Leading case on rights vs principles.

9. Joined Cases C-404/15 and C-659/15 PPU – Aranyosi and Căldăraru (2016)

Facts

The cases concerned two individuals subject to European Arrest Warrants (EAWs) issued by Hungary and Romania. The executing judicial authority in Germany had serious concerns about detention conditions in the issuing Member States, based on reports from international bodies indicating overcrowding and poor conditions. The individuals argued that, if surrendered, they would face detention conditions that could amount to inhuman or degrading treatment and result in a breach of Article 4 CFR.

Decision

The CJEU held that execution of a EAW must be postponed where there is a real risk of inhuman or degrading treatment. It established a two-step test for assessing such risks.

Reasoning

The Court began by reaffirming that the EAW system is based on the principle of mutual trust between Member States, which requires that judicial decisions be recognised and executed.

However, it emphasised that mutual trust is not absolute and must be reconciled with the protection of fundamental rights. Article 4 CFR, which prohibits inhuman or degrading treatment, is absolute and does not allow for limitations.

The Court then developed a two-step test:

1. The executing authority (i.e. national court) must assess whether there is objective, reliable, specific, and properly updated evidence of systemic or generalised deficiencies in detention conditions in the issuing Member State.
2. If such deficiencies are established, the authority must then assess whether there is a real risk that the individual concerned will be subjected to such treatment.

The Court stressed that a general finding of deficiencies is not sufficient on its own. An individualised assessment is required. If the risk cannot be excluded, execution must be postponed, and additional information must be requested from the issuing state.

The reasoning reflects a careful balance of preserving the effectiveness of mutual recognition while ensuring that fundamental rights, particularly absolute rights, are not violated.

Key finding/relevance

This is a leading case on limits of mutual trust and the requirement of a two-step assessment (systemic + individual) in such cases.

10. Case C-601/15 PPU – J.N. (2016)

Facts

The case concerned a third-country national who had applied for international protection in the Netherlands but was subsequently detained on the basis of national legislation allowing detention on grounds of public order and national security. The applicant argued that his detention violated his fundamental rights, in particular the right to liberty under Article 6 of the Charter of Fundamental Rights of the European Union (CFR). The national court asked whether such detention was compatible with EU law, including the Charter and relevant provisions of EU asylum law, and how this should be interpreted in light of the European Convention on Human Rights (ECHR).

Decision

The Court of Justice of the European Union held that detention for reasons of public order and national security may be compatible with EU law, provided that it complies with the requirements of the Charter, in particular Article 6 CFR, as interpreted in light of Article 5 ECHR.

Reasoning

The Court began by confirming that the right to liberty under Article 6 CFR corresponds to Article 5 ECHR. It therefore relied on Article 52(3) CFR, which requires that corresponding Charter rights be given the same meaning and scope as those laid down in the ECHR.

The Court emphasised that the ECHR sets a minimum level of protection, which must be respected when interpreting the Charter. In doing so, it referred to the case law of the European Court of Human Rights to clarify the conditions under which detention may be justified.

At the same time, the Court stressed that the interpretation of EU law must also preserve the autonomy of the EU legal order. It therefore examined whether the relevant EU legislation (in this case, the Reception Conditions Directive) provided a sufficiently clear legal basis for detention and whether the measure complied with the principle of proportionality.

The Court concluded that detention may be justified only if it is strictly necessary, proportionate, and based on an individualised assessment of the applicant's conduct, taking into account the seriousness of the threat to public order or national security.

The reasoning thus illustrates how Article 52(3) CFR operates in practice: it ensures alignment with the ECHR while allowing the CJEU to interpret and apply Charter rights within the specific framework of EU law.

Key finding/relevance

This case clarifies the role of Article 52(3) CFR in aligning the interpretation of Charter rights with the ECHR as a minimum standard of protection, while preserving the autonomy of EU law. It also confirms that limitations on fundamental rights, such as the right to liberty, must be strictly necessary, proportionate, and based on an individualised assessment.

11. Case C-414/16 – Egenberger (2018)

Facts

A job applicant challenged a religious requirement imposed by a private employer.

Decision

The Court held that Article 47 CFR (right to an effective remedy and a fair trial) must be ensured.

Reasoning

The Court found that the case fell within the scope of EU law due to anti-discrimination directives. It held that national courts must ensure effective judicial review and cannot rely on national rules that limit such review. It emphasised that Charter rights can require disapplication of national law.

Key finding/relevance

Strengthens horizontal application of Charter rights.

12. Joined Cases C-569/16 and C-570/16 – Bauer (2018)

Facts

Concerned payment for unused annual leave after death.

Decision

The Court held that Article 31(2) CFR (fair and just working conditions) guarantees a directly enforceable right to paid annual leave, including the right to a financial allowance where the employment relationship ends without the leave having been taken. The Court emphasised that the right to paid annual leave has both a rest and a financial component, and that denying compensation would undermine the effectiveness and essence of that right. National law that excludes such compensation must be disapplied, even in disputes between private parties.

Reasoning

The Court held that the right to paid annual leave is sufficiently precise and unconditional. It emphasised that denying compensation would undermine the essence of the right. Therefore, national courts must ensure its full effectiveness, even in disputes between private parties.

Key finding/relevance

Confirms horizontal direct effect of Charter rights.

13. Joined Cases C-609/17 and C-610/17 – TSN and AKT (2019)

Facts

The cases concerned Finnish collective agreements granting workers additional paid leave in specific situations, beyond the minimum four weeks of annual leave guaranteed under EU law by the Working Time Directive. The applicants claimed that the exclusion from entitlement to this additional leave under national law constituted unequal treatment and violated Article 31(2) CFR.

Decision

The Court held that the Charter did not apply.

Reasoning

The Court distinguished between rights guaranteed under EU law and additional rights granted under national law. It acknowledged that Article 31(2) CFR protects the right to paid annual leave as guaranteed by EU law, namely the minimum four weeks provided by the Working Time Directive. However, the additional leave at issue in this case was granted solely under national law and went beyond what EU law requires. The Court emphasised that EU law does not regulate such additional entitlements. As a result, the situation fell outside the scope of EU law within the meaning of Article 51(1) CFR.

The Court further clarified that the mere fact that a national measure relates to a field covered by EU law (in this case, working time) is not sufficient. What matters is whether the specific national rule at issue is governed by EU law. Since the dispute concerned only the additional leave granted under national law, and not the minimum entitlement under EU law, there was no sufficient link to trigger the application of the Charter.

Key finding/relevance

The Charter does not apply where a situation concerns purely national rights that go beyond EU minimum standards. This case illustrates that even within a field regulated by EU law, the Charter applies only to aspects that fall within the scope of EU law itself.

4.3 Case Study Compendium (Module 3)

Case Study 1 – Scope of Application of the Charter

Mr A is a journalist based in a Member State who publishes investigative reports on government surveillance practices. National authorities initiate criminal proceedings against him under domestic legislation prohibiting the disclosure of classified information.

During the proceedings, Mr A argues that his rights under the Charter – particularly freedom of expression and protection of personal data – have been violated. He submits that the surveillance regime is partly based on national legislation implementing EU directives on electronic communications and data retention. However, the government argues that the criminal proceedings concern national security, an area falling outside the scope of EU law. It emerges that the surveillance measures relied upon by the authorities include both data obtained under national security legislation, and data collected by telecommunications providers pursuant to obligations derived from EU law.

Mr A further argues that the use of such data in criminal proceedings establishes a sufficient link with EU law to trigger the application of the Charter. The national court is uncertain whether the case falls within the scope of EU law and whether it is therefore required to assess the compatibility of the national measures with the Charter.

Relevant questions:

- a. Does the situation fall within the scope of EU law?
- b. Which Charter provision is relevant here?
- c. Is there a sufficient connection between the national measures and EU law?
- d. Which elements of the case are purely national and which are linked to EU law?
- e. If the Charter applies, which human rights provisions are relevant?

Case Study 2 – Level of Protection (EU vs National Standards)

Ms Boss is a Romanian national subject to a European Arrest Warrant issued by another Member State for fraud-related offences. She was tried and convicted in absentia while being represented by an appointed lawyer. Under the law of the issuing state, such convictions are permissible provided certain procedural safeguards are met.

Romanian law, however, provides a higher level of protection in such cases, requiring that individuals be granted a full retrial upon return when tried in absentia. Ms Boss argues before the Romanian court that surrender would violate her fundamental rights, as protected by the Romanian Constitution and the Charter, because she did not have effective legal representation during her trial.

At the same time, EU law governing the European Arrest Warrant Framework Decision requires mutual recognition of judicial decisions and limits the grounds on which surrender may be refused. The issuing state provides assurances that Ms Boss will have access to legal remedies but does not guarantee a full retrial.

The Romanian court must decide whether it can rely on higher national constitutional standards to refuse surrender, or whether it is bound to apply EU law as interpreted by the CJEU, even if this results in a lower level of protection than that provided under national law.

Relevant questions:

- a. Can national courts apply a higher level of protection than EU law?
- b. What is the role of Article 53 CFR?
- c. Does applying national standards affect the effectiveness of EU law?
- d. How should the court assess the assurances provided by the issuing state?

Case Study 3 – Horizontal Application of the Charter

Ms Abbott applies for a position at a large private healthcare provider that operates across several Member States and receives partial EU funding for cross-border health services. The job advertisement specifies that applicants must adhere to the “values and mission” of the organisation, which include a commitment to a particular religious ethos. Ms Abbott, who does not share this religious belief, is rejected despite being otherwise highly qualified.

She challenges the decision before a national court, arguing that the requirement constitutes discrimination based on religion and violates her right to effective judicial protection. The employer argues that it is a private entity and that the Charter does not apply in purely private disputes. However, the case reveals that the employer operates within a regulated EU framework for cross-border healthcare, that national legislation implementing EU equality directives is applicable, and that the dispute concerns the interpretation and application of EU law. The national court must determine whether the Charter can be relied upon in this dispute and whether it can disapply national provisions that limit judicial review of such requirements.

Relevant questions:

- a. Does the Charter apply in disputes between private parties?
- b. Is there a sufficient link with EU law?
- c. Which Charter provisions may be invoked directly?
- d. What is the role of national courts in such disputes?

Case Study 4 – Recognition of judicial decisions from other EU Member States

Mr Donos is the subject of a European Arrest Warrant issued by another Member State for the purpose of execution of a criminal sentence. The executing judicial authority is aware of several reports indicating systemic deficiencies in detention conditions in the issuing state, including overcrowding and inadequate sanitary conditions.

Mr Donos submits evidence demonstrating that (i) detention facilities in the issuing state have repeatedly been found to violate fundamental rights by the ECtHR; (ii) individuals in pre-trial detention are often held in conditions that may amount to inhuman or degrading treatment; (iii) he is likely to be placed in such facilities if surrendered.

The issuing state acknowledges that certain deficiencies existed but provides general assurances that current detention conditions comply with EU standards. It does not provide specific details and guarantees regarding Mr Donos' individual situation because it is unclear in which prison he will be situated. The executing national court must decide whether it can refuse surrender on the basis of these concerns, taking into account the principle of mutual trust and the obligation to recognise judicial decisions from other Member States.

Relevant questions:

- a. Are judicial authorities in one Member State obliged to recognise judicial decision from another Member State?
- b. What is the principle of mutual recognition and trust in EU law?
- c. Can surrender on the basis of a EAW be refused based on fundamental rights concerns?
- d. How should systemic deficiencies be assessed?
- e. Is an individualised assessment always required?
- f. Should this EAW be executed?

4.4 Brief step-by-step guide for trainers (all Modules)

1. This guide is intended to support trainers in delivering the training in a structured and consistent manner, while allowing for limited adaptation to national contexts. It follows the overall structure of the curriculum and reflects the combination of doctrinal input and practical application.
2. The training should begin with a concise introduction to the Charter. Trainers should explain its main characteristics, with particular focus on its scope of application under Article 51 CFR, as this is the starting point for any analysis. The distinction between rights and principles under Article 52(5) CFR should also be introduced at this stage, as it is essential for understanding the legal effects of Charter provisions. Moreover, reference should be made to the level of protection as defined in Article 53 CFR (and Article 52(3) CFR in relation to the ECHR) and the horizontal application of the Charter in order to provide a complete framework.
3. The next step consists of presenting the key case law of the CJEU. Trainers should focus on the reasoning of the Court and the criteria developed in the case law, rather than on detailed factual descriptions. Particular attention should be given to cases that clarify when the Charter applies, how to distinguish between rights and principles, and what obligations this entails for national courts. The aim is to provide participants with the knowledge and tools necessary to apply the case law in practice.
4. Following this, the training should move to the practical part based on hypothetical cases. Participants should work individually or in small groups. Trainers should guide the process by encouraging participants to follow a structured approach: first determining whether the Charter applies, then identifying the relevant provisions, assessing their legal nature, and finally applying the relevant case law. The role of the trainer at this stage is primarily to facilitate discussion and to steer participants towards a structured analysis, without providing immediate answers.
5. The training should then proceed to a plenary discussion. During this stage, participants present their conclusions and compare different approaches. Trainers should highlight key points, clarify misunderstandings, and link the discussion back to the relevant Charter provisions and case law. Particular attention should be given to recurring difficulties, such as identifying the scope of application of the Charter and distinguishing between rights and principles.
6. The session should conclude with a short consolidation phase. Trainers should summarise the main takeaways and ensure that participants have a clear understanding of how to apply the Charter in practice. Time should be reserved for questions and reflection, allowing participants to connect the training content to their own professional work.
7. Throughout the training, and especially during modules 3 and 4, trainers should maintain an interactive approach and encourage active participation. The emphasis should be on practical application and structured legal reasoning, rather than on purely theoretical explanation.

4.5 Links to key sources and accompanying instructions

EU Charter of Fundamental Rights

The full text of the Charter is available online:

- European Union Charter of Fundamental Rights (official text):
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Trainers and participants should use this version as the authoritative source. It includes all Charter provisions and should be consulted when identifying relevant rights and principles.

In addition, the official **Explanations relating to the Charter** provide guidance on the meaning and interpretation of the provisions:

- Explanations to the Charter:
[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007X1214\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007X1214(01))

These explanations are particularly useful when distinguishing between rights and principles and when interpreting specific provisions.

Additional Information and Guidance

Further information on the application of the Charter can be found on the website of the European Commission:

- Charter of Fundamental Rights – overview and guidance:
https://commission.europa.eu/topics/human-rights/your-fundamental-rights-eu/strategy-strengthen-application-charter-fundamental-rights-eu_en

This resource provides practical information on the scope of application of the Charter, as well as examples and explanatory materials.

- See also EU Fundamental Rights Agency's materials and resources on the Charter:
<https://fra.europa.eu/en/eu-charter/fra-charter-resources>

Case Law of the Court of Justice of the European Union

The case law of the CJEU can be accessed through the official database:

- CJEU case law database (CURIA):
<https://curia.europa.eu>

This database allows users to search for judgments, opinions, and orders of the Court. Cases can be searched by case number, party name, or keywords. Below is a brief and more precise instruction:

On the website select the option “Case-law”. This will open the search field. Enter the case number directly if known. This is the fastest way to locate a specific judgment.

If the case number is not known, the search can be carried out using keywords. For example, terms such as “scope of the Charter”, “Article 51”, “fundamental rights”, or “mutual recognition” can be used. It is often useful to combine keywords to narrow down the results.

The results list will display relevant cases. By selecting a case, users can access:

- the full text of the judgment
- the summary of the case
- the Advocate General’s Opinion (where available)

It is generally recommended to start with the summary of the judgment in order to understand the key issues and findings, and then consult the full text for more detailed reasoning.

For legislative materials and case law together, the EUR-Lex database can also be used:

- EUR-Lex (EU law and case law):
<https://eur-lex.europa.eu>

European Judicial Training Network (EJTN)

- Official website:
<https://ejtn.eu>
- EU Judicial Training Policy (including EJTN Judicial Training Principles):
https://e-justice.europa.eu/10263/EN/eu_judicial_training
- EJTN Handbook on Judicial Training Methodology:
<https://ejtn.eu/wp-content/uploads/2023/10/Handbook-Judicial-training-methodology-in-Eu-robe-2016.pdf>

