

RECENT JUDGMENTS OF THE CJEU ON THE EU CHARTER OF FUNDAMENTAL RIGHTS AND ON THE ECHR

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Co-funded by the European Union's Justice Programme (2014-2020).
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OUTLINE

- Introduction
- Maximum Protection
- Minimal Protection
- Interaction with ECHR
- Horizontal Provisions
- Systemic Issues

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INTRODUCTION

- Full deployment of the Charter after 12 years since entry into force
- Contrast between standards of protection between fundamental rights
- New issues to be resolved
- Interaction with ECHR and constant dialogue among courts

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MAXIMUM PROTECTION

- Facebook (C-311/18) / Quadrature du Net (C-511/18)
- Braathens Regional Aviation (C-30/19)
- Torubarov (C-556/17)

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MINIMAL PROTECTION

- Centraal Israëlitisch (C-336/19)
- TSN (C-609/17)
- Ne bis in idem

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HORIZONTAL PROVISIONS

- Scope of application
 - In Member States
 - Extraterritorial effects (Bank Melli [C-124/20] + Google [C-507/17] + Facebook [C-311/18])
- Rights and principles (Bauer, C-569/16)
- Horizontal effect (Max Planck / Bauer, C-684/16)

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SYSTEMIC ISSUES

- Rule of Law and Fundamental Rights
- The enforceability of Art. 2 TEU and Art. 19 TEU
- The principle of non-regression (Repubblica, C-896/19)

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CONCLUSIONS

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