

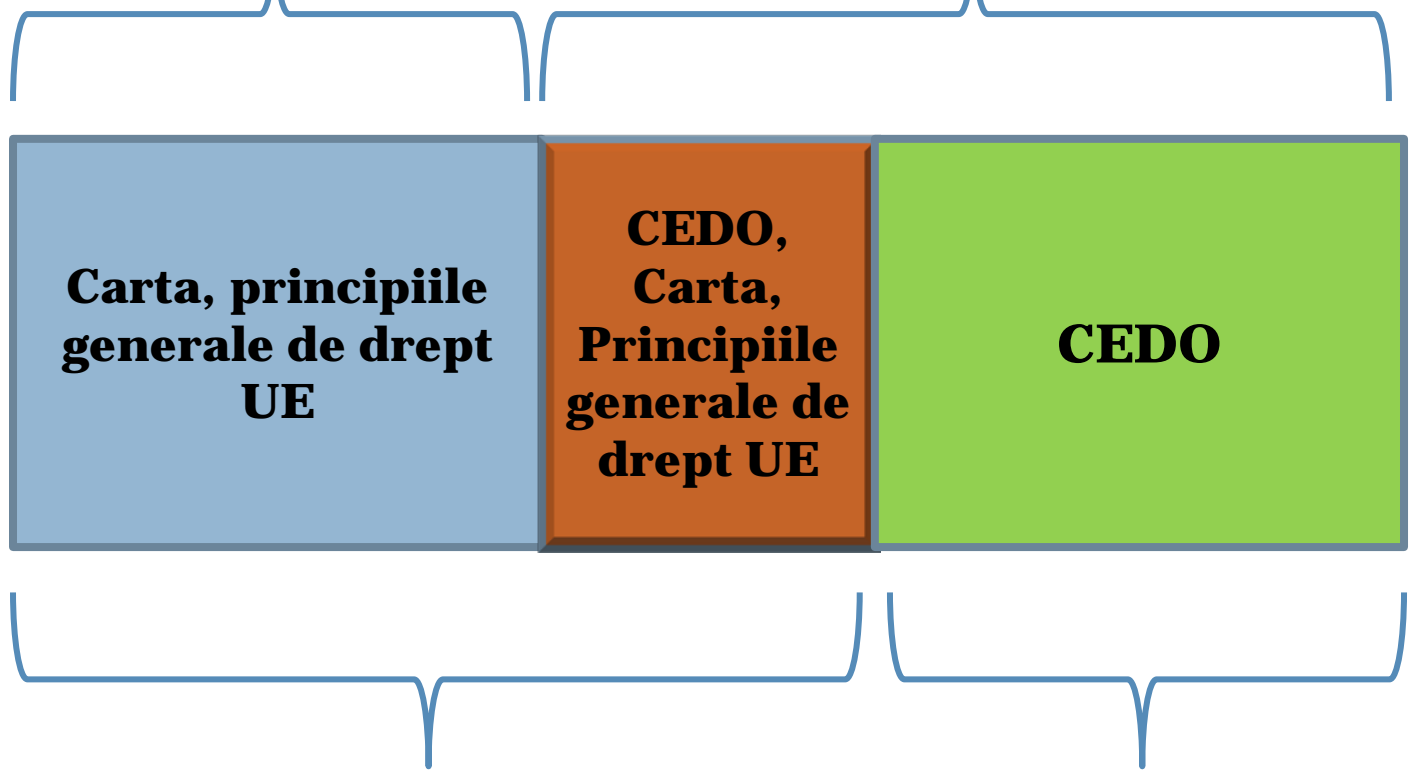
**FOLOSIREA CARTEI ÎN PROCEDURILE
NAȚIONALE:
STUDII DE CAZ CU PRIVIRE LA
DOMENIUL DE APLICARE A CARTEI**

**USING THE CHARTER IN NATIONAL
PROCEEDINGS:
CASE STUDIES ON ITS SCOPE OF
APPLICATION**

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dr. altele decât în CEDO/
rights other than in the ECHR

dr. prev. de CEDO/
ECHR rights



**Carta, principiile
generale de drept
UE**

**CEDO,
Carta,
Principiile
generale de
drept UE**

CEDO

litigii UE/
EU law situations

litigii non-UE/
purely internal situations

Use of the Charter

3

- direct actions before the GC and CJEU
- before national courts:
 - action for the annulment of national (administrative) acts adopted pursuant an EU act *or* action for compensation for damages incurred by the application of an EU act allegedly invalidly adopted because it infringes a fundamental right
> references on the validity of the EU act
 - action where the individual invokes the Charter for the interpretation of national norms

Is the situation within the scope of EU law?

identification of the concrete element which demonstrates that the respective law or measure is adopted by the State in its action to apply or implement or derogate from EU law

(the court alone or with the help of a preliminary reference)

YES

NO

Situation within the scope of EU law

- EU standard, Charter
 - relative presumption of equivalence to the ECHR standard when act does not require implementation or leaves no margin of appreciation to the State

Purely internal situation

> national standard, ECHR

Vă mulțumim!

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