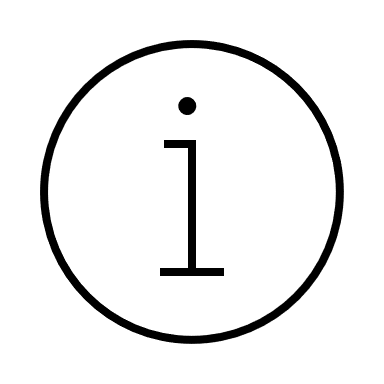
**Une image contenant Bleu électrique, Bleu cobalt, Bleu Majorelle, drapeau

Description générée automatiquementEU CHARTER OF FUNDAMENTAL RIGHTS : QUESTIONS AND ANSWERS**

This questionary can be also used as a test evaluation of the Handbook contents. Correct questions are marked in green.

1. **Preliminary reference procedure serves what principal purpose(s)?** 
   1. Providing national courts with assistance in interpreting EU law.
   2. Exercising supremacy of EU law over national legislation.
   3. Ensuring uniform application and interpretation of national law in question.
   4. Ensuring a de facto supremacy of the CJEU over national courts.
2. **Which of the following statements is/are true?**
   1. EChFR is an example of EU's secondary legislation.
   2. EChFR does not enjoy the status of EU's primary law.
   3. EChFR stipulates the very same rights as ECHR.
   4. EChFR provides (at least) the same level of protection as ECHR.
3. **In what situation is EChFR applicable?**
   1. When EU law is being implemented.
   2. When EU law is being implemented only by the EU institutions.
   3. EChFR is only applicable in situations concerning EU citizens.
   4. EChFR is applicable in all situations concerning application of law at the national level.
4. ***Effet Utile* refers to:**
   1. a form of interpretation of Treaties and EU secondary law instruments.
   2. a general principle of public international law.
   3. a technique of dynamic interpretation of legal text focusing on its object and the purpose.
   4. questions which were in past subject to a preliminary ruling procedure in a similar case (also known as *acte éclairé*)
5. **Member States’ (national) courts can:**
   1. Declare an EU directive invalid.
   2. Independently apply EU law.
   3. Refer preliminary references to the European Court of Justice under article 267 TFEU – however, this is always up to the discretion of national courts.
   4. Invalidate an EU regulation provided it conflicts with the Treaty on the functioning of the European Union.
6. **In Solange Icasethe CJEU held and reaffirmed that:**
   1. respect for fundamental rights forms an integral part of the general principles of EU law.
   2. national legislation can be a “control parameter” of EU law.
   3. EU law is not an independent source of law.
   4. the content of EU law is exclusively determined by the content of national legislations of Member States.
7. **Certain rights guaranteed by EChFR are applicable only to EU citizens.**
   1. True
   2. False
8. **All rights guaranteed by EChFR are subject to specification in national legislations of Member States, and are therefore also subject to the limitation of their scope.**
   1. True
   2. False
9. **The right to private and family life under article 7 of EChFR is an absolute right.**
   1. True
   2. False
10. **The prohibition of torture under article 4 of EChFR is an absolute right.**
    1. True
    2. False
11. **Supremacy of EU law involves:**
    1. The ability to always invoke EU law in the proceeding before a national court.
    2. The absolute *rationae materiae* jurisdiction of CJEU.
    3. The fact that EU law takes precedence over national legislation in case of their conflict.
    4. The loss of sovereignty of Member States.
12. **The rights guaranteed by EChFR can be subject to limitation provided that:**
    1. Such limitation is specified by EU’s secondary legislation.
    2. Such limitation is made by law, it is necessary and corresponds to a general interest objective.
    3. Such limitation conforms to the principle of disproportionality.
    4. Such limitation is a priori approved by the EU.
13. **The rights enshrined in the ECHR (Convention):**
    1. Do not constitute a part of the general principles of EU law.
    2. Have no connection to the protection of human rights within the EU law.
    3. Set out a “minimum protection standard” within the EChFR and EU law.
    4. Fully correspond to rights protected by EChFR.
14. **In a matter concerning the protection of fundamental rights, the lawyer must:**
    1. Ascertain and choose whether the Client’s case falls exclusively within the EChFR or within the protection of the ECHR (Convention).
    2. Assess the possible applicability of both human rights protection systems to the case and choose the best litigation pathway for his Client.
    3. Fully rely on a decision-making of a national judge (on the ground of *iura novit curia* principle).
    4. Solely rely on a national level of protecting human rights.
15. **The national judges:**
    1. Should disregard the national legislation in accordance with EU law.
    2. Must interpret the national legislation in accordance with EU law, but only provided that such way of interpretation already stems from the existing CJEU case-law.
    3. May, and, in some cases, must refer a request for preliminary reference ruling to the CJEU provided that the interpretation of a matter falling within the scope of EU law is unclear.
    4. Always enjoy a full discretion in their deliberations.
16. **As a lawyer representing a client in a national court, when can you invoke the EU Charter of Fundamental Rights?**
17. Whenever fundamental rights are in question, regardless of EU law
18. Only in cases where national law is silent on the matter.
19. When the case involves a violation of rights within the scope of EU law.
20. Only if the EU Court of Justice has already ruled on a similar case.
21. **A national law conflicts with rights protected under the Charter. What steps can you take to address this?**
22. Request a preliminary ruling from the CJEU to determine whether the national law complies with EU law.
23. Immediately escalate the case to the European Court of Human Rights.
24. Use the Charter to automatically nullify the national law.
25. Refer the matter to the European Commission for action against the Member State.
26. **If a client’s rights under both the ECHR and the Charter are relevant to their case, what should you consider when choosing your legal strategy?**
27. Always rely on the Charter as it offers broader protections.
28. Identify the instrument that provides the highest level of protection for the client’s specific situation.
29. Prioritize national constitutional rights over EU and ECHR rights.
30. Use the ECHR as the sole basis, as it applies universally across Europe.
31. **Your client’s right to data protection is being violated by a private entity that does not comply with the data protection standards set out by EU law (GDPR). How should you approach the case using the Charter?** 
    1. Argue that the private entity must comply with the GDPR, and that the violation of your client's right to data protection constitutes a breach of **Article 8** of the EU Charter.
    2. Refer the case directly to the European Court of Human Rights for a ruling on the violation of the data protection rights.
    3. File a complaint with the European Commission against the private entity for non-compliance with the GDPR.
    4. Ignore the Charter and focus solely on the GDPR, as the Charter does not apply to private entities.
32. **Your client, a third-country national, has had their visa application denied by a national consulate of a EU Member State. How should you approach the case using the Charter?**
33. Focus solely on challenging the consulate's decision under national immigration law, as the EU Charter does not apply to visa issues.
34. Argue that the EU Charter, specifically Article 47 (right to an effective remedy), guarantees that your client has the right to challenge the visa denial before an independent and impartial tribunal, as EU law is being applied by the national authorities.
35. File a complaint directly with the European Commission, arguing that the national consulate’s refusal violates EU law.
36. Appeal the visa refusal to the European Court of Human Rights, as it concerns fundamental rights under EU law.
37. **Your client, an employee in the EU, has been dismissed from their job under circumstances that they believe violate their rights under EU law. How should you approach the case if you want to invoke Article 30 of the EU Charter (protection against unjust dismissal)?**
38. Argue that the EU Charter applies because EU employment directives (such as those on anti-discrimination or workers' rights) protect your client against unjust dismissal, and the dismissal in this case fails to meet those standards.
39. Focus only on national employment laws, as Article 30 of the EU Charter does not apply in dismissal cases.
40. Challenge the dismissal in national court without reference to EU law since the EU Charter does not grant protection in employment matters.
41. Appeal to the European Court of Human Rights under the European Convention on Human Rights, since Article 30 of the EU Charter is not applicable in this context.