

## Appendix to theme A (question 2)

The table below shows for each provision of the Charter the references in administrative law case law as mentioned in the national reports. There is also an extra column containing a list of the relevant case law of the CJEU (including the General Court) on each provision that has been rendered in the period from 1 December 2009 to 8 November 2011. The table only mentions CJEU case law in which provisions of the Charter were actually applied.<sup>1</sup>

<b>Framework Charter of Fundamental rights of the EU (2007)</b>			
<b>Charter article</b>	<b>Content (shortened)</b>	<b>Referred to in national administrative case-law</b>	<b>Applied in case-law of the ECJ/General Court</b>
<b><i>Title I Dignity</i></b>			
Article 1	Human dignity	Hungary, Netherlands.	
Article 2(1)	Right to life	United Kingdom*, France*, Germany.	
Article 2(2)	Prohibition of the death penalty	-	
Article 3	Right to the integrity of the person	France, Germany (§ 1).	
Article 4	Prohibition of torture and inhuman or degrading treatment or punishment	Austria, United Kingdom, France, Germany, Netherlands.	
Article 5(1)	Prohibition of slavery or servitude	-	
Article 5(2)	Prohibition of forced or compulsory labour	-	
Article 5(3)	Prohibition of trafficking in human beings	-	
<b><i>Title II Freedoms</i></b>			
Article 6	Right to liberty and security	Hungary.	
Article 7	Respect for private and family life	Austria, United Kingdom, France, Germany, Spain,	- Case C-578/08, <i>Chakroun</i> , 4 March, 2010;

<sup>1</sup> This refers to application in a broad sense: the use of the Charter as an instrument of interpretation or as an autonomous ground for review. Judgments in which the Charter was referred to without further specification or in which Charter was used merely as an additional argument are not listed.

		Netherlands.	- Case C-400/10 PPU, <i>McB</i> , 5 October 2010; - Case C-92/09 and C-93/09, <i>Volker und Markus Schecke</i> , 9 November 2010; - Case C-145/09, <i>Tsakouridis</i> , 23 November 2010.
Article 8	Protection of personal data	United Kingdom, Spain, Netherlands.	- Case C-92/09 and C-93/09, <i>Volker und Markus Schecke</i> , 9 November 2010. - Case C-543/09, <i>Deutsche Telekom</i> , 5 May 2011.
Article 9	Right to marry and right to found a family	France.	
Article 10(1)	Freedom of thought, conscience and religion	Germany.	
Article 10(2)	Right to conscientious objection	-	
Article 11(1)	Freedom of expression and information	United Kingdom*, France*, Spain*.	- Case C-163/10, <i>Patriciello</i> , 6 September 2011.
Article 11(2)	Freedom and pluralism of the media	-	
Article 12(1)	Freedom of assembly and of association	-	
Article 12(2)	Expression political will	-	
Article 13	Freedom of the arts and	-	

	sciences		
Article 14(1)	Right to education and access to vocational and continuing training	France*.	
Article 14(2)	Right to receive free compulsory education	-	
Article 14(3)	Freedom to found educational establishments	-	
Article 15(1)	Freedom to choose an occupation and right to engage in work	Belgium*, France*, Germany, Lithuania*.	
Article 15(2)	Right to seek employment, to work, to exercise the right of establishment and to provide services	-	
Article 15(3)	Right to equivalent working conditions	Germany.	
Article 16	Freedom to conduct a business	Belgium, France, Germany.	
Article 17(1)	Right to property	United Kingdom, Spain*, Poland*.	- Case T-181/08, <i>Tay Za/Raad</i> , 19 May 2010.
Article 17(2)	Protection intellectual property	-	

Article 18	Right to asylum	France, Germany, Lithuania, Netherlands.	
Article 19(1)	Prohibition of collective expulsions	France*.	
Article 19(2)	Non-refoulement	United Kingdom, Germany, Netherlands.	
<b>Title III Equality</b>			
Article 20	Equality before the law	France, Poland.	- Case C-149/10, <i>Chatzi</i> , 16 september 2010; - Case C-550/07 P, <i>Akzo Nobel</i> , 14 September 2010. - Case C-21/10, <i>Nagy</i> , 21 July 2011.
Article 21(1)	Non-discrimination	France*, Germany, Netherlands.	- Case C-550/07 P, <i>Akzo Nobel</i> , 14 September 2010 (21). - Case C-236/09, <i>Test-Achats</i> , 1 March 2011. - Case C-297/10 and C-298/10, <i>Hennigs</i> , 8 September 2011.
Article 21(2)	Non-discrimination on grounds of nationality	Germany.	
Article 22	Cultural, religious and linguistic diversity	-	
Article 23	Equality between women and men	Germany (§ 1).	- Case 236/09, <i>Test-Achats</i> , 1 March 2011.
Article 24	The rights of the child	Belgium, United Kingdom, France (§ 2),	- Case C-403/09 PPU, <i>Dežićek</i> , 23 december 2009 ;

		Germany (§ 2 en § 3), Poland, Netherlands.	- Case C-211/10 PPU, <i>Povse</i> , 1 July 2010 ; - Case C-149/10, <i>Chatzi</i> , 16 September 2010 ; - Case C-400/10 PPU, <i>McB</i> , 5 October 2010; - Case C-491/10 PPU, <i>Aguirre Zarraga</i> , 22 December 2010.
Article 25	The rights of the elderly	-	
Article 26	Integration of persons with disabilities	-	
<b>Title IV Solidarity</b>			
Article 27	Workers' right to information and consultation within the undertaking	-	
Article 28	Right of collective bargaining and action	-	- Case C-297/10 and C-298/10, <i>Hennigs</i> , 8 September 2011.
Article 29	Right of access to placement services	-	
Article 30	Protection in the event of unjustified dismissal	-	- Case C-323/08, <i>Rodriguez Mayor</i> , 10 December 2009.
Article 31(1)	The right to working conditions which respect health, safety and dignity.	-	
Article 31(2)	The right to limitation of maximum working hours rest periods	-	

Article 32	Prohibition of child labour and protection of young people at work	-	
Article 33(1)	Family and professional life	France*.	
Article 33(2)	Right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave.	-	- Case C-149/10, <i>Chatzi</i> , 16 September 2010.
Article 34(1)	Entitlement to social security benefits and social services in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment	-	
Article 34(2)	Right to social security benefits and social advantages in case of legal residence	-	
Article 34(3)	The right to social and housing assistance	-	
Article 35	Health care	-	
Article 36	Access to services of general economic interest	-	

Article 37	Environmental protection	-	
Article 38	Consumer protection	-	
Article 39(1)	Right to vote and to stand as a candidate at elections to the European Parliament	-	
Article 39(2)	Elections European Parliament by direct universal suffrage in a free and secret ballot	-	
Article 40	Right to vote and to stand as a candidate at municipal elections	-	
Article 41(1,2)	Right to good administration	Hungary, France, Germany, Spain, Lithuania, Poland, Netherlands.	- Case C-221/09, <i>AJD Tuna</i> , 17 March 2011.
Article 41(3)	The right to have the Union make good any damage caused by its institutions or by its servants	-	
Article 41(4)	Right to write to the institutions of the Union in one of the languages of the Treaties and have an answer in the same language	-	
Article 42	Right of access to documents	-	

Article 43	European Ombudsman	-	
Article 44	Right to petition	-	
Article 45(1)	Freedom of movement and of residence for citizens of the Union	Germany, Lithuania*.	
Article 45(2)	Freedom of movement and residence for third country nationals legally resident in the Union	-	
Article 46	Diplomatic and consular protection	-	
<b>Title VI Justice</b>			
Article 47(1)	Right to an effective remedy and to a fair trial before a tribunal	Austria*, United Kingdom*, France*, Germany*, Lithuania*, Poland*, Netherlands*.	- Case C-279/09, <i>DEB</i> , 22 December 2010 ; - Case C-221/09, <i>AJD Tuna</i> , 17 March 2011; - Case C-407/08 P, <i>Knauf Gips</i> , 1 July 2010; - Case C-372/09 and C-373/09, <i>Penarroja</i> , 17 March 2011; - Case T-181/08, <i>Tay Za/Raad</i> , 19 May 2010.
Article 47(2)	Right to a fair hearing	Belgium.	
Article 47(3)	Right to legal aid	-	
Article 48(1)	Presumption of innocence	-	- Case T-49/07, <i>Fahas/Raad</i> , 7 December 2010.
Article 48(2)	The rights of the defence	-	- Case C-550/07 P, <i>Akzo Nobel</i> , 14 September 2010.

Article 49(1,2)	Principles of legality and <i>lex mitior</i>	France, Netherlands.	
Article 49(3)	Principle of proportionality of criminal offences and penalties.	-	
Article 50	Right not to be tried or punished twice in criminal proceedings for the same criminal offence	Austria, France.	
Article 51 (1)	Field of application	United Kingdom, Germany, Netherlands.	<ul style="list-style-type: none"> <li>- Case C-323/08, <i>Rodriguez Mayor</i>, 10 December 2009 (implicit reference);</li> <li>- Case C-400/10 PPU, <i>McB</i>, 5 October 2010;</li> <li>- Case C-339/10 PPU, <i>Estov</i>, 12 november 2010;</li> <li>- Case C-279/09, <i>DEB</i>, 22 December 2010;</li> <li>- Case C-20/10, <i>Vino I</i>, 11 November 2010;</li> <li>- Case C-457/09, <i>Chartry</i>, 1 March 2011 (see also case C-538/10, <i>Lebrun</i> and case C-314/10, <i>Pagnoul</i>);</li> <li>- Case C-267/10 and C-268/10, <i>Rossius</i>, 23 May 2011;</li> <li>- Case C-161/11, <i>Vino II</i>, 22 June 2011;</li> <li>- Case C-1/10, <i>Gueye</i>, 15 September 2011 (implicit reference).</li> </ul>
Article 51 (2)		Germany.	- Case C-400/10 PPU, <i>McB</i> , 5 October 2010;

			- Case C-161/11, <i>Vino II</i> , 22 June 2011.
Article 52 (1)	Scope and interpretation of rights and principles	Germany, Netherlands.	- Case C-400/10 PPU, <i>McB</i> , 5 October 2010; - Case C-92/09 and C-93/09, <i>Volker und Markus Schecke</i> , 9 November 2010; - Case C-407/08 P, <i>Knauf Gips</i> , 1 July 2010.
Article 52 (2)		United Kingdom.	
Article 52 (3)		United Kingdom, Germany, Netherlands.	- Case C-400/10 PPU, <i>McB</i> , 5 October 2010; - Case C-92/09 and C-93/09, <i>Volker und Markus Schecke</i> , 9 November 2010; - Case C-279/09, <i>DEB</i> , 22 December 2010.
Article 52 (4)		Germany, Netherlands.	
Article 52 (5)		-	
Article 52 (6)		-	
Article 52 (7)		Germany.	
Article 53	Level of protection	-	- Case C-279/09, <i>DEB</i> , 22 December 2010.
Article 54	Prohibition of abuse of rights	Poland.	

\* without specification of the paragraph.