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BRIEF REPORT

# How the CJEU operationalises core EU values: A comparative coding analysis of five value databases

[version 1; peer review: awaiting peer review]

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## Abstract

### Background

The values of the rule of law, equality, respect for human dignity, respect for human rights, democracy, and freedom, expressed in Article 2 of the Treaty on European Union, form the axiological foundation of the European Union's legal order. The purpose of this research was a systematic, empirical analysis of the case law of the CJEU concerning the values indicated above – covering a total of 182 judgments issued between 1956 and July 2026. The specific objectives were: (1) to identify and analyse how the EU's core values are defined, operationalised, and justified across key rulings, including the tensions, developments, and interpretative trends over time; and (2) to develop a structured analytical framework for synthesising case law in a way that is accessible also to non-legal scholars.

### Methods

The main method used in this research was an empirical analysis of the case law of the CJEU. The case law was compiled from the collection available on the EUR-Lex platform. The selection of case law for detailed analysis proceeded in two distinct stages. Stage one: algorithmic retrieval – for each value EUR-Lex's "Relevance" sorting function was used to rank all judgments returned by a specific search query. Stage two: substantive author assessment based on a combined evaluation of the substantive operationalisation of the value, the institutional weight, and the significance of subject matter and outcome.

### Results

**Open Peer Review**

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The comparison shows that the rule of law (53.3%) and respect for human rights (50.0%) are mainly operationalised through primary law, whereas equality (45.4%), respect for human dignity (50.0%), and democracy (61.1%), by contrast, are mainly operationalised through secondary legislation.

**Conclusions**

The analysis of 182 CJEU supports the view that the values listed in Article 2 TEU are not, in the CJEU's case law, fixed concepts with an unchanging content.

**Keywords**
Rule of Law, Equality, Democracy, Respect for Human Dignity, Respect for Human Rights, Freedom, CJEU, European Union, Legal Sciences

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## Introduction

The values of the rule of law, equality, respect for human dignity, respect for human rights, democracy, and freedom, expressed in Article 2 of the Treaty on European Union (TEU) (Treaty on European Union, 2012), form the axiological foundation of the European Union's legal order. While the Treaty proclaims these values, it leaves their further elaboration to the case law of the Court of Justice of the European Union (the CJEU; the Court) and to legal scholarship (Porchia, 2026).

The purpose of this research was a systematic, empirical analysis of the case law of the CJEU concerning the values indicated above – the rule of law, equality, respect for human dignity, respect for human rights, democracy, and freedom – covering a total of 182 judgments issued between 1956 and July 2026 (as the first judgment included in the database comes from 1956). The specific objectives were: (1) to identify and analyse how the EU's core values are defined, operationalised, and justified across key rulings, including the tensions, developments, and interpretative trends over time; and (2) to develop a structured analytical framework for synthesising case law in a way that is accessible also to non-legal scholars.

## Methods

The main method used in this research was an empirical analysis of the case law of the CJEU. This approach makes it possible not only to efficiently analyze case law, but also to broaden theoretical and conceptual horizons (Zglinski, 2026). The analysis covered the following values: 1) the rule of law; 2) equality; 3) respect for human dignity; 4) respect for human rights; 5) democracy; 6) freedom (although, as explained later in this section, this value was not examined in as much depth as the other five, because of the way it appears in the case law). These values were chosen because they are named in Article 2 of the TEU, which reads as follows: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights (…)" (TEU, 2012).

The case law was compiled from the collection available on the EUR-Lex platform (Publications Office of the European Union, 2026). In the "Collection" field, the option "Case-law" was selected. In the "Text search" field, the following terms were entered one by one: "Rule of Law", "Equality", "Respect for Human Dignity", "Respect for Human Rights", "Democracy", and "Freedom". The search covered both the title and the text of each judgment. In the "Document reference" field, the option "Judgment" was selected, and in the "Author of the document" field, the option "Court of Justice" was selected. The judgments selected this way were sorted by "Relevance", and the analysis was carried out separately for each year, starting from the 1950s.

For the values of the rule of law, respect for human dignity, respect for human rights, and democracy, the author reviewed all the judgments found and sorted as described above, and selected the following for further, more detailed analysis: 45 judgments (rule of law), 14 judgments (respect for human dignity), 8 judgments (respect for human rights), and 18 judgments (democracy). For the value of equality, EUR-Lex returned a very large number of judgments. The review was therefore limited to the first fifteen judgments in each year (starting from the 1950s), that is, the ones ranked as most relevant for each year. This threshold of fifteen judgments per year was chosen for two reasons. First, it was a practical compromise between the depth of the analysis and the amount of work that could realistically be handled, given the growing number of judgments each year. Second, an initial review showed that, above this threshold, no new categories (concepts) of the equality value appeared in a given year – which suggested that the threshold was close to a point of "data saturation". For the value of equality, 97 judgments were selected for more detailed analysis.

The judgments (in total 182) were selected based on a combined evaluation of the following considerations: 1) substantive operationalisation of the value – whether the Court conducted an interpretation of the value in question, as opposed to judgments containing only a formal or incidental reference (e.g. a bare citation of Article 2 TEU); 2) institutional weight – judgments issued by the Grand Chamber were prioritised; 3) significance of subject matter and outcome – whether the judgment addressed a question of broader constitutional, institutional, or societal significance, and whether its outcome directly affected the scope or application of the value.

The results of this two-stage selection process – namely, 182 compiled judgments in total – were archived as spreadsheet (Excel) files and deposited on Zenodo (Strzępek, 2026), thereby ensuring the reproducibility of the analysis. A separate database of judgments was built for each value studied.

For the values of the rule of law, equality, respect for human dignity, respect for human rights, and democracy, next stage of the study involved working out (coding), from the text of each judgment, the concept of the value (its conceptual definition) that the Court applied in that specific case, as well as identifying the specific legal act and provision through which the value was operationalised. Regarding the concept of the value – or rather, its category – this was determined

primarily on the basis of the subject matter of the specific case. The subject matter of the specific case was, in turn, determined on the basis of the claims raised by the parties to the proceedings. This study made it possible to identify several categories (concepts) of each value studied in the Court's case law, creating a sort of "coding framework for non-lawyers", and to show the levels at which each value studied is operationalised in that case law.

For the value of freedom, EUR-Lex returned a very large number of judgments. An initial review showed that this large number of results comes from how fundamental freedom is to the idea of European integration – in the form of the four freedoms of the internal market: 1) free movement of goods, 2) free movement of persons, 3) free movement of services, and 4) free movement of capital. In addition, the word "freedom" is sometimes replaced with the word "liberty" in the case law, which would call for a separate, in-depth language analysis. For these reasons, this study did not include a detailed analysis of the value of freedom. Even so, one conclusion of the study is that the Court operationalises this value in a different, more complex way than the other values studied because of its fundamental importance to the idea of the European Union, as it relates to the entire corpus of sources of European integration.

## Limitations

At every stage of the study, the coding was done by the author alone, without a second, independent coder and without a formal inter-rater reliability test. This should be noted as a limitation of the method that was knowingly accepted.

## Results and discussion

### I. Introduction

In total, 182 CJEU judgments issued between 1956 and 2026 were analysed, each coded using the same method: 1) the category of the value, 2) the level at which it was operationalised (primary law, general principles, secondary legislation, national procedural autonomy, or the structural/constitutional level), and 3) how it was distributed over time.

The section below works on two levels: Part II sets out the main findings for each of the five values separately, while Part III sets out cross-cutting results and discussion drawn from comparing all the databases together.

### II. Findings for each value

#### 1. Rule of Law – 45 judgments

- Main category: judicial independence (category 1) – this has clearly dominated since 2021 (19 of 25 judgments in the 2020s), as a direct result of disputes over judicial reforms in Poland, Hungary, Romania, and Malta.
- Level of operationalisation: primary law – 53.3% - the Treaties and the Charter of Fundamental Rights (Charter of Fundamental Rights of the European Union, 2012), which confirms that this value has a constitutional character in the case law, rather than a "legislative" (secondary) one.
- Trend over time: a clear shift from disputes about institutions and damages (1960s–2000s, e.g. State liability for damages) toward disputes about judicial independence as the Court's main concern.
- Conclusion: today, the CJEU operationalises the rule of law almost only as a guarantee of the institutional independence of the judiciary – its original role in matters of damages and procedure has clearly become marginal (a trend).

#### 2. Equality – 97 judgments

- Main category: there is no single dominant category – instead, three separate waves follow one another: formal/substantive/indirect equality (1970s–1990s), relational and dignity-based equality (2010s–2020s), and an isolated wave concerning competence (1990s–2000s).
- Level of operationalisation: secondary legislation – 45.4% (directives and regulations), the largest and fastest-growing category in the whole study.

- Trend over time: the highest number of judgments was in the 2000s (27 judgments), dominated by indirect discrimination and age discrimination.

- Conclusion: of the five values studied, equality is the most "statute-driven" - its real normative content is shaped mainly by the secondary legislator, while the Court mostly plays an interpretive role rather than a creative one.

3. **Respect for Human Dignity – 14 judgments**

- Main category: dignity as a limit on commercial and media activity – the only category present in the 1990s and 2000s, and the "founding" category of this value.

- Level of operationalisation: secondary legislation – 50.0%, with a significant share also coming from primary law – 42.9%, mainly Articles 4 and 47 of the Charter of Fundamental Rights (CFR, 2012); the levels of national procedural autonomy and the structural/constitutional level do not appear.

- Trend over time: the category of protection against inhuman or degrading treatment is concentrated in the 2010s (the migration crisis, the European arrest warrant) and reappears in the Frontex case (Hamoudi v Frontex, 2025); the asylum category is the most stable over time – present in every decade since 2000.

- Conclusion: in the CJEU's case law, respect for human dignity mainly works as an "implementing" value – it only gains specific content through secondary legislation (asylum, media, and biotechnology directives), and is rarely used as a stand-alone basis for a ruling.

4. **Respect for Human Rights – 8 judgments**

- Main category: human rights as a general principle of EU law and a condition for the legality of Union acts – the Mangold (Mangold v Helm, 2005) and Kadi cases (Kadi v Council, 2008) – the largest category, concentrated in the 2000s.

- Level of operationalisation: primary law – 50.0%, mainly resulting from direct reliance on Article 6 or Article 2 of the TEU (TEU, 2012).

- Trend over time: the smallest database in the study – from a single judgment in the 1990s - the Grant case (Grant v South-West Trains, 1998) – to gradual diversification from 2007 onward (development policy, the rule of law, OLAF administrative proceedings).

- Conclusion: respect for human rights is the value with the narrowest scope, but the deepest constitutional grounding.

5. **Democracy – 18 judgments**

- Main category: Common Foreign and Security Policy sanctions against regimes that violate democratic principles: Belarus (Ipatau v Council, 2015); Syria (Anbouba v Council, 2015); Egypt (cf. Ezz and Others v Council, 2015); Zimbabwe (Tomana and Others v Council, 2016); Venezuela (Venezuela v Council, 2021), the largest category in that decade.

- Level of operationalisation: secondary legislation – 61.1%, the highest share among all five values, driven by the many Common Foreign and Security Policy (CFSP) acts imposing sanctions.

- Trend over time: a clear numerical peak in the 2010s (9 of 18 judgments); the sanctions category only appears from 2015 onward, reflecting the EU's more intensive sanctions policy over the last decade.

- Conclusion: the CJEU mostly operationalises democracy as a substantive ground justifying restrictive measures in foreign policy, rather than as a stand-alone basis for internal EU review – with the significant exception of recent case law on budget conditionality and the rule of law (cases against Poland and Hungary).

## III. Cross-cutting results and discussion

### 1. Overview of the figures

Table 1 summarises all five databases in terms of the number of judgments, the dominant level of operationalisation, and the dominant trend over time.

### 2. A split between "Treaty-based" values and "secondary legislation-based" values.

The comparison shows a clear split between the values studied into two groups, based on the main channel through which they are operationalised. The rule of law (53.3%) and respect for human rights (50.0%) are mainly operationalised through primary law – the Treaties and the Charter of Fundamental Rights (CFR, 2012) – which gives them a strongly constitutional core. Equality (45.4%), respect for human dignity (50.0%), and democracy (61.1%), by contrast, are mainly operationalised through secondary legislation – directives, regulations, and CFSP acts – which makes them values that depend more on the activity of the EU legislator than on direct interpretation of the Treaties.

### 3. Landmark cases as the connective tissue between the values.

The cross-cutting analysis shows that there is a small group of judgments with an unusually high number of citations, which appear in at least three of the five databases at the same time. These judgments act as links connecting the different values of Article 2 TEU into one coherent system of values:

- Kadi case (Kadi v Council, 2008) – at the same time, the category "fundamental rights as a limit on public power" in the rule-of-law database, the main category in the human-rights database ("Human rights as a general principle of EU law and a condition of the lawfulness of Union acts"), and the category "democracy as a directly applied constitutional value" in the democracy database.

- Mangold case (Mangold v Helm, 2005) – the category "equality as individual dignity" in the equality database, the main category in the human-rights database ("Human rights as a general principle of EU law and a condition of the lawfulness of Union acts"), and the category of founding value in the democracy database.

- Associação Sindical dos Juízes Portugueses case (ASJP v Tribunal de Contas, 2018) – the category "Independence of the judiciary" in the rule-of-law database, the category "dignity as a constitutional value linked to the rule of law" in the respect for human dignity database, the category "Human rights as an EU founding constitutional value linked to the rule of law" in the human-rights database, and a constitutional category in the democracy database.

The fact that these judgments appear repeatedly across independently coded databases – even though each database was built around a separate Treaty value – is strong empirical evidence for the view that the values in Article 2 TEU do not work in the Court's case law as a set of completely separate, independent standards. Instead, they form an interconnected system, in which a single judgment can, at the same time, shape the content of the rule of law, human rights, and democracy.

### 4. A shared trend over time: acceleration after 2015.

In all five databases, there is a clear increase in the Court's activity after 2015. By way of illustration, for the rule of law, this increase comes from disputes over judicial reforms in the Member States, and for democracy, it comes from the EU's more intensive sanctions policy; for respect for human dignity, it is a "response" to the migration crisis and the European arrest warrant mechanism.

**Table 1. Overview of the five value-based CJEU databases.**

| Value (Article 2 TEU) | Number of judgments | Dominant level of operationalisation | Dominant decade/trend |
|---|---|---|---|
| Rule of law | 45 | Primary law – 53.3% | 2020s – sharp increase (judicial independence) |
| Equality | 97 | Secondary legislation – 45.4% | 2000s – peak (27 judgments), thematic waves |
| Respect for Human Dignity | 14 | Secondary legislation – 50.0% | 2010s – peak (migration crisis) |
| Respect for Human Rights | 8 | Primary law – 50.0% | 2000s – peak (Mangold case, Kadi case) |
| Democracy | 18 | Secondary legislation – 61.1% | 2010s – peak (CFSP sanctions) |
| **TOTAL** | **182** | **—** | **—** |

Taken together, the analysis of 182 CJEU judgments issued over seventy years supports the view that the values listed in Article 2 TEU are not, in the Court's case law, fixed concepts with an unchanging content. Instead, they are dynamic categories, whose operationalisation shifts over time as the Union's powers evolve and as the nature of the disputes brought before the Court changes. At the same time – despite the apparent independence of the five values studied – there is a strong structural link between them. The clearest evidence of this is that the same "hub" judgments (Kadi case, Mangold case, and ASJP case) appear repeatedly across independently built databases. The most recent wave of case law (2020–2026), centred on judicial independence and rule-of-law conditionality, suggests that the rule of law has become a sort of anchor value for the Court, around which the other values of Article 2 TEU are clustered.

## Ethics and Consent

Ethical approval and consent were not required for this study. The research is based exclusively on the analysis of publicly available case law of the Court of Justice of the European Union and secondary legal literature; it did not involve human participants, personal data, or animal subjects.

## Generative AI disclosure

The author used Claude (Anthropic, Claude Sonnet 5) to assist with data verification and statistical analysis. The author reviewed and takes full responsibility for all content.

## Data availability

### Underlying data

Zenodo: CJEU Case-Law Coding Database: Equality, Rule of Law, Democracy, Respect for Human Dignity, and Respect for Human Rights (1956–2026). https://doi.org/10.5281/zenodo.22108490 (Strzępek, 2026).

This project contains the following underlying data:

- Democracy report table.xlsx (coding of CJEU judgments relating to the value of democracy)
- Equality report table.xlsx (coding of CJEU judgments relating to the value of equality)
- Respect for Human Dignity report table.xlsx (coding of CJEU judgments relating to the value of respect for human dignity)
- Respect for Human Rights report table.xlsx (coding of CJEU judgments relating to the value of respect for human rights)
- Rule of Law report table.xlsx (coding of CJEU judgments relating to the value of the rule of law)

Data are available under the terms of the Creative Commons Attribution 4.0 International license (CC-BY 4.0).

### Extended data

No extended data are associated with this study.

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