European Union Law

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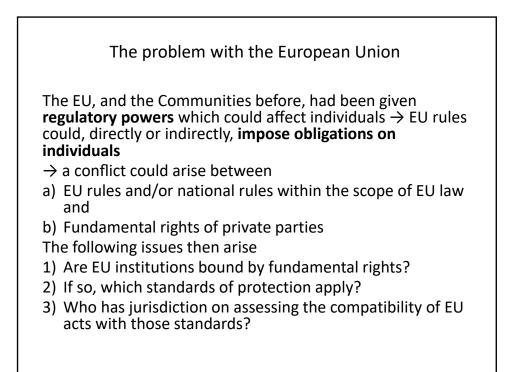
The 'unwritten' Bill of Rights

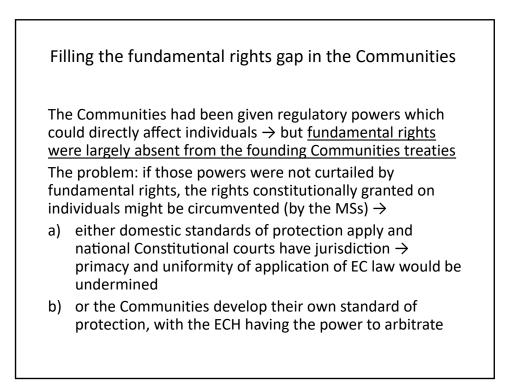
HISTORICAL BACKGROUND: FUNDAMENTAL RIGHTS AS GENERAL PRINCIPLES OF EU LAW

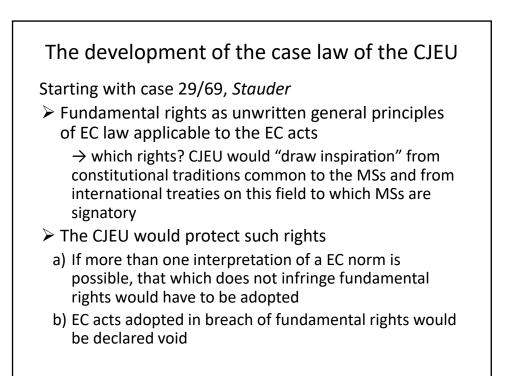
Historical background

In the aftermath of the WW2, as a reaction to the atrocities committed during the war, codification and protection of fundamental rights became of paramount importance both

- At national → the post-war Constitutions of European States, and
- International level \rightarrow 1950 ECHR
 - A catalogue of civil and political fundamental rights
 - A supranational supervisory mechanism (ECommHR + ECtHR), that would ensure the rights would be effectively complied with







The scope of application of fundamental rights as general principles

- a) Fundamental rights as limit to the acts of the Union institutions \rightarrow validity requirement
- b) Fundamental rights as limit upon the acts of Member States
 - When they are implementing EU law or
 - When they act within the scope of EU law

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The 'written' Bill of Rights

THE CHARTER OF FUNDAMENTAL RIGHTS

The 'external' Bill of Rights

THE EU AND THE ECHR