

The Protection of Fundamental Rights in the EU post Lisbon Treaty

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Abstract

The treaty of Lisbon, which entered into force on 1.12. 2009, represents a major step concerning the development of the protection of fundamental rights within the European Union. After the Lisbon Treaty entered into force the Charter of Fundamental Rights of the European Union has the status of a legally binding act. As a result, the Court of Justice of the European Union as well as the national courts have a mechanism available which shall serve as the principal basis on which they carry out their task of ensuring that in the interpretation and application of the EU law the fundamental rights are observed appropriately.

Also, the Treaty of Lisbon provides for the European Union to accede to the European Convention on Human Rights (ECHR). The legal base regarding the European Union accession to the ECHR is Article 6 (2) of the Treaty of the European Union (TEU, Article 218 (8) of the Treaty on the Functioning of the European Union (TFEU), Protocol 8 and Declaration 2 to the Lisbon Treaty. After the Charter acquired the status of a legally binding act as well as if the European Union accedes to the ECHR, this means a major step forward and shall extensively contribute when it comes to the protection of the fundamental rights within legal order of the European Union. This could be considered the consolidation of a legal framework regarding the protection of the human rights at European Union level.

Nevertheless, the main rationale of this article is to consider the formal sources of EU human rights, the application and interpretation of the Charter in the Member States, to whom provisions of the Chapter are addressed, the distinction between rights and principles, some of the ECJ cases regarding protection of human rights after the Lisbon Treaty as well as the EU accession to the ECHR.

Keywords: Protection of fundamental freedoms, EU charter on Human Rights, ECHR, EU accession to the ECHR.

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