



Title	<u>General Principles and Fundamental Rights in EU Law</u>
Lecturer:	Prof. Xavier Groussot (Lund University) xavier.groussot@jur.lu.se
Brief description	<p>This course focuses on understanding the application and development of fundamental rights in the European Union. In the EU, the protection of the fundamental rights is now ensured by the binding EU Charter of Fundamental Rights (EUCFR). A document which is binding since the entry into force of the Lisbon Treaty and which has been interpreted by the Court of Justice of the European Union (CJEU). This EUCFR will become binding for fifteen years in December 2024. Many publications that relate to its ten years birthday in 2019 pointed out that the application of the EUCFR could be better. Particularly these publications often underlined that its application could be more substantive and less procedural. The EU Charter is often praised for its ‘procedural strength’ encapsulated in the application of Article 47 EUCFR by the CJEU.</p> <p>Can we say that the most recent evolution in the case law of the CJEU points towards the same conclusion soon after fifteen years of application? And what are the most interesting developments in substantive fields such as digitalization, social rights or climate change?</p> <p>This course has the ambition to present the most recent evolution of the central doctrines related to the application of the EU Charter such as the doctrine of horizontal direct effect, the ‘essence test’ or the doctrine of balancing and proportionality. It will be done, by focusing on the both the substantive and horizontal (or general) clauses of the EU Charter.</p> <p>However, before dwelling into the EU Charter, the course has also the intention to explain how the EU fundamental rights have been created and developed by the CJEU by relying on the so-called doctrine of general principles of EU law.</p> <p>So the aim of this course is also to put in context the application of the EU fundamental rights and to discuss the EU fundamental rights in relation to other constitutional principles such as the principles of primacy, direct effect and loyalty.</p> <p>Another area of discussion of this course is the issue of accession to the European Convention of Human Rights. Is</p>

	<p>there a value to accede for the EU to accede to this Convention and is it possible after the Opinion 2/13 that put specific requirements in place in order to render possible a possible accession in the future?</p> <p>In addition, and as a final discussion, the course will also look at the interaction between the EU fundamental rights and the issue of citizenship. The evolution of the CJEU case law will lay the ground for discussion as to the interaction between the fundamental rights and the EU citizenship provisions.</p>
<p>Schedule</p>	<ol style="list-style-type: none"> 1. EU Fundamental Rights and the constitutional principles of EU law 2. The creation and development of EU Fundamental Rights and the doctrine of EU General Principles 3. The making of the EU Charter of Fundamental Rights 4. Substantive and Horizontal Clauses in the EU Charter 5. Accession to the European Convention of Human Rights and EU Fundamental Rights 6. EU Fundamental Rights and the provisions on Citizenship
<p>Materials/Recommended readings</p>	<p>Provided before the course.</p>
<p>Assessment/Exam</p>	<p>Written exam after the end of the course</p>