

GENERAL PRINCIPLES OF EU LAW AND THE PROTECTION OF FUNDAMENTAL RIGHTS

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'Chiara Amalfitano offers a comprehensive and original examination of the Court of Justice's voluminous case law in the field of fundamental rights during the post Lisbon Treaty era. It must be particularly commended for its stimulating reading of the rapidly adapting, if not evolving, role of general principles concerning fundamental rights, since the entry into force of the EU Charter of Fundamental Rights.'

— Laurent Pech, Middlesex University London, UK

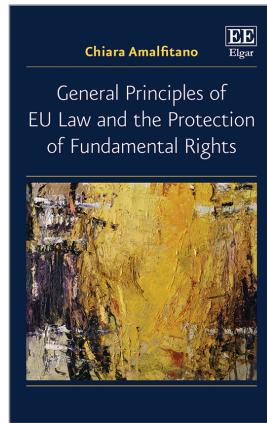
This insightful book analyses the role that EU general principles have taken in the protection of fundamental rights within the EU since the Lisbon Treaty. In particular, the author focuses on the relationship between written law (the Charter of Fundamental Rights) and unwritten law (the general principles) within the institutional framework of the EU.

The book demonstrates that, due to their complementary and autonomous function, the general principles still play a key role in the protection of fundamental rights within the EU despite the binding force of the Charter. Analysis throughout the book shows that the role of general principles concerning fundamental rights is particularly evident when they reflect the specificities of the EU legal system, and contribute to ensuring its autonomy. These conclusions are supported through a comprehensive review of the relevant case law of the European Court of Justice in the field of fundamental rights protection. A particular focus is placed on convergences and discrepancies with respect to the jurisprudence of the European Court of Human Rights.

This work will be of great interest to scholars who are researching the protection of fundamental rights within the legal order of the EU. Human rights lawyers will also find this a compelling text.

Contents: Introduction 1. The Current System of Fundamental Rights Protection in the European Union 2. The Relationship between the Sources of Fundamental Rights Protection in the EU Legal Order 3. The Role of the General Principles of Law Concerning Fundamental Rights in the post-Lisbon case law of the Court of Justice 4. The Role of the General Principles of Law beside and beyond the Charter 5. Final Remarks Bibliography Index

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