



Pr. Dr. Julien CAZALA



The protection of Fundamental Rights in the European Union - A Transnational Portrait

The French Perspective

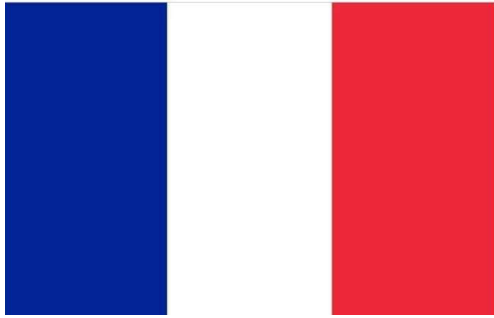
FH·W-S

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Article 51
Field of application

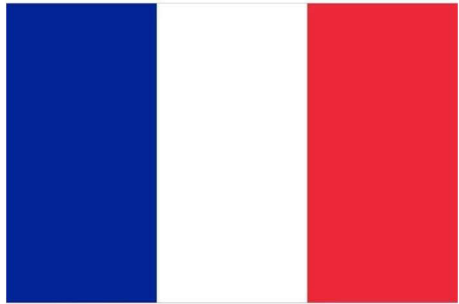
1. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties.
2. The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.



1958 Constitution

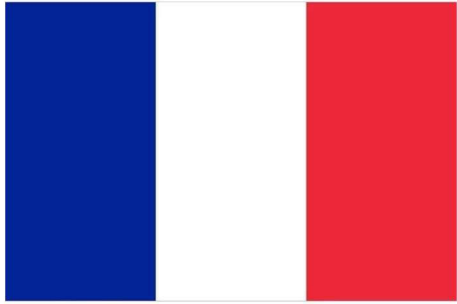
art. 1: Principle of equality

art. 4: Freedom of speech



The Preamble to the 1958 Constitution

- Declaration of human and civil rights (1789)
- Preamble to the 1946 Constitution
- Charter of the Environment (2004)



Bloc de constitutionnalité



United Nations Covenant on civil and political rights (1966)



European Convention on Human Rights (1950)

Added Value of the EU Charter

Compared to the ECHR

- art. 18: Right to Asylum

- art. 25: Rights of the elderly

- art. 31: Right to fair and just
working conditions

Added Value of the EU Charter

- art. 4: Prohibition of torture and inhuman or degrading treatment or punishment
- art. 5: Prohibition of slavery and forced labour
- art. 7: Respect for private and family life
- art. 8: Protection of personal data
- art. 9: Right to marry and right to found a family
- art. 13: Freedom of the arts and sciences
- art. 30: Protection in the event of unjustified dismissal
- art. 32: Prohibition of child labour and protection of young people at work
- art. 36: Access to services of general economic interest
- art. 38: Consumer protection

*Compared to constitutionally
guaranteed rights*

Withdrawal of a nationality

Conseil d'Etat, 11 May 2015, *M. A.B.*, n° 383664

ECJ (Grand Chamber), 2 March 2010 2010, *Janko Rottman v. Freistaat Bayern*, C-135/08

The right to good administration

CE, 30 December 2015, n° 386532

art. 41 of the EU Charter

Invocability of the EU Charter
in a dispute between individuals
(Direct horizontal effect)

Cour de cassation (Chamber for social affairs), *Association de médiation sociale v. Union locale des syndicats CGT and Others*
11 April 2012, n° 11-21.609

ECJ, 15 January 2014, *Association de médiation sociale v. Union locale des syndicats CGT and Others*, C-176/12

ECJ, 17 April 2018, *Vera Egenberger v. Evangelisches Werk für diakonie und Entwicklung*, n° C-414/16

The Role of the European Court of Justice

- CE, 26 july 2018, *French Data Network, La Quadrature du Net and Others*, n° 393099
- CE, 26 July 2018, *La Quadrature du Net and Others*, n° 394922
- ECJ, Grand Chamber, 6 October 2020, *La Quadrature du Net and Others v. Prime Minister and Others*, C-511/18, C-512/18 and C-520/18

Thank You !

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