4. Fundamental Rights

This chapter evaluates the European fundamental rights. Human rights constitutionally limit the exercise of all European Union competences—including its legislative competences. Three sources of European fundamental rights were subsequently developed: the ‘unwritten’ bill of rights in the form of general principles of European law; the European Convention on Human Rights (ECHR); and the EU Charter of Fundamental Rights. The chapter investigates these three bills of rights of the EU, beginning with the discovery of an ‘unwritten’ bill of rights in the form of general principles of European law. It then discusses possible structural limits to European human rights in the form of international obligations flowing from the United Nations Charter. The chapter also analyses the EU’s ‘written’ bill of rights in the form of its Charter of Fundamental Rights. Finally, it explores the ECHR as an external bill of rights for the EU.
4. Fundamental Rights

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