

## The EU's Commitment to Fundamental Rights

Recent case law of the Court of Justice on the EU Charter of Fundamental Rights – Civil Liberties

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Case C-400/10 *McB* – judgment of 5 Oct. 2010 – Reg. 2201/2003 and Arts. 8 and 24 of the Charter – issues: Art. 51 of the Charter and ‘hybrid’ cases; Art. 52(3) of the Charter and the links between the ECHR and the Charter

Case C-279/09 *DEB* – judgment of 22 Dec. 2010 – legal aid and Art. 47 of the Charter – issue: Art. 52(3) of the Charter; use of explanations to the Charter

Cases C-92/09 and C-93/09 – *Volker and Schenke* - judgment of 9 Nov. 2010 – validity of EU rules on transparency of agricultural payments - Art. 52(3) of the Charter; issue of balancing of rights

Case C-70/10 – *Scarlet Extended* – judgment of 24 Nov. 2011 – challenge to national rules requiring service providers to filter content – Charter interpretation on top of interpretation of legislation – Arts. 8, 11, 16 and 17(2) of the Charter; issue of balancing of rights - cf also judgment of 16 Feb. 2012 in Case C-360/10 *Sabam*; decision to refer ACTA to the Court of Justice (*Opinion 1/12*)

Case C-578/08 *Chakroun* – judgment of 2 Mar. 2010 – Art. 7 of Charter and conditions for family reunion under family reunion directive

Case C-69/10 *Samba Diouf* – judgment of 28 July 2011 – Art. 47 of Charter and asylum procedures directive

Case T-59/09 *Germany v Commission* – judgment of 14 Feb. 2012 – Art. 42 of Charter and access to MS documents

Case T-18/10 *Inuit* – order of 6 Sep. 2011 – Art. 47 of Charter and system for judicial review of EU acts – on appeal C-583/11 P

Broader issues – see generally ‘The Rebirth of the EU Charter of Fundamental Rights’, 2011 CYELS – numbers of cases referring to Charter; the question of ‘constitutional patriotism’