

EU CHARTER OF FUNDAMENTAL RIGHTS

When does it apply and where to go in case of violation?

THE CHARTER DOES NOT APPLY

Fundamental rights are guaranteed by national constitutional systems and their obligation under the European Convention on Human Rights.

When the fundamental rights issue does not involve the implementation of EU legislation, the Charter does not apply.

NATIONAL COURT

EUROPEAN COURT OF HUMAN RIGHTS

STRASBOURG



FUNDAMENTAL RIGHTS VIOLATION BY A MEMBER STATE

When the fundamental rights issue involves the implementation of EU legislation, the Charter applies. (e.g. a national authority applies an EU regulation)

NATIONAL COURT

REFERRAL BY NATIONAL COURT

RULING ON THE APPLICATION OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

THE CHARTER APPLIES



INFRINGEMENT PROCEDURE