Contents

List of contributors vii
Acknowledgements ix
Table of cases x
Table of legislation xxxi

Introduction 1
Sionaidh Douglas-Scott and Nicholas Hatzis

PART I THE FRAMEWORK

1 Fundamental rights as a political myth of the EU: can the myth survive? 13
   Stijn Smismans
2 The pluralism of European fundamental rights law 35
   Kaarlo Tuori
3 The Charter of Fundamental Rights and the EU’s ‘creeping’ competences: does the Charter have a centrifugal effect for fundamental rights in the EU? 58
   Sybe A de Vries
4 The right to move and reside: disentangling the dual dynamics of fundamental rights in EU citizenship law 99
   Niamh Nic Shuibhne
5 Administrative law and fundamental rights 120
   Alexander H Türk
6 EU fundamental rights and judicial reasoning: towards a theory of human rights adjudication for the European Union 139
   Alison L Young
7 Remedies under the EU Charter of Fundamental Rights 162
   Angela Ward
8 EU fundamental rights in a devolved United Kingdom 186
   Aidan O’Neill

PART II BEYOND THE EUROPEAN UNION

9 Fundamental rights in the European Court of Justice and the European Court of Human Rights 211
   Marta Cartabia and Stefania Ninatti
10 The EU before the European Court of Human Rights after accession 226
   Tobias Lock
11 Respect for human rights as a general objective of the EU’s external action 243
   Annabel Egan and Laurent Pech
PART III EU ACTION AND NEW DIRECTIONS IN FUNDAMENTAL RIGHTS

13 Fundamental rights and fundamental values in the old and new Europe
   Michal Bobek
   311

14 Weak right, strong Court – the freedom to conduct business and the
   EU Charter of Fundamental Rights
   Xavier Groussot, Gunnar Thor Pétursson and Justin Pierce
   326

15 Fundamental rights in the application of competition law in the EU
   Vincent Smith
   345

16 The internal market and EU fundamental rights
   Stephen Weatherill
   364

17 Data protection, privacy and the foreigner
   Elspeth Guild
   380

18 Digital freedom of expression in the EU
   Lorna Woods
   394

19 EU fundamental rights and the European Arrest Warrant
   Massimo Fichera
   418

20 Immigration, asylum and human rights in the European Union
   Steve Peers
   439

21 EU human rights law and environmental protection: the beginning of
   a beautiful friendship?
   Sanja Bogojević
   451

22 EU fundamental rights and the financial crisis
   James Fraczyk
   468

23 EU law and social rights
   Sianaidh Douglas-Scott and Nicholas Hatzis
   492

Index

517