

Charter of Fundamental Rights

- o The protection of fundamental rights as a general principle of EU law was established long before the UK joined the European Communities.
- o The ECHR was recognised as a source of such rights both in the case law of the ECJ and in the Treaty on European Union agreed at Maastricht in 1991.
- o The Charter of Fundamental Rights incorporated into the TFEU is a codification of such rights.
- o The Charter does not expand the scope of EU law.
- o The protocol to the Treaty of Lisbon in respect of the UK and Poland is not an 'opt-out' from the Charter – it simply reinforces the fact that the Charter (unlike the ECHR) is not an instrument of general application against the Member States but only applies within the scope of EU law.