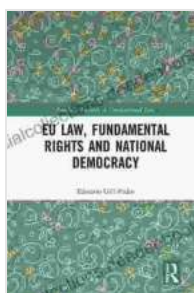


# EU Law, Fundamental Rights, and National Democracy: Routledge Research in European Law

The relationship between EU law and national democracy is a complex and evolving one. On the one hand, the EU has been criticized for undermining national sovereignty and democratic accountability. On the other hand, it has been argued that the EU has strengthened democracy by promoting fundamental rights and protecting minority groups.



## EU Law, Fundamental Rights and National Democracy (Routledge Research in Constitutional Law)

by Aakash Singh Rathore

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This article will explore the relationship between EU law and national democracy. It will begin by examining the historical development of this relationship. It will then discuss the key issues that have been raised in the

debate about EU law and national democracy. Finally, it will assess the future of this relationship.

## **Historical Development**

The relationship between EU law and national democracy has evolved over time. In the early days of the European Communities, there was little concern about the potential impact of EU law on national democracy. However, as the EU has grown and its powers have expanded, there has been increasing concern about the democratic accountability of EU institutions.

One of the key developments in the relationship between EU law and national democracy was the adoption of the Treaty of Maastricht in 1992. This treaty established the European Union and gave the EU new powers in areas such as economic and monetary policy, justice and home affairs, and foreign policy. The Treaty of Maastricht also introduced a new principle of subsidiarity, which states that the EU should only act in areas where it can do so more effectively than member states.

The principle of subsidiarity has been used to justify a number of decisions by the EU to limit its own powers. For example, in 1999 the EU adopted a directive on working time that set minimum standards for working hours and rest periods. However, the directive also included a provision that allowed member states to opt out of the directive if they could demonstrate that they had already implemented equivalent measures. This provision was used by a number of member states, including the United Kingdom, to avoid having to implement the directive.

Another key development in the relationship between EU law and national democracy has been the increasing use of judicial review. The European Court of Justice (ECJ) has the power to review the legality of EU legislation and the actions of EU institutions. This power has been used to strike down a number of EU laws that were found to be in violation of fundamental rights or the principle of subsidiarity.

The ECJ has also been used to protect the rights of individuals against the actions of member states. For example, in 2004 the ECJ ruled that the United Kingdom's blanket ban on prisoners voting was in violation of the European Convention on Human Rights. This ruling led to the UK government changing its policy.

## **Key Issues**

There are a number of key issues that have been raised in the debate about EU law and national democracy. These issues include:

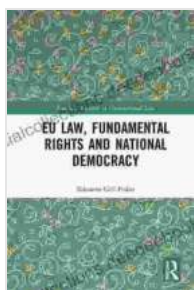
\* **The democratic accountability of EU institutions.** The EU is a complex and multi-layered system of governance. It is not always clear who is accountable for EU decisions and how they can be held to account. \* **The impact of EU law on national sovereignty.** The EU has a number of powers that can have a significant impact on the domestic policies of member states. This has led to concerns that the EU is undermining national sovereignty. \* **The protection of fundamental rights.** The EU has a strong commitment to protecting fundamental rights. This commitment is reflected in the EU Charter of Fundamental Rights, which is legally binding on all EU member states.

## **The Future of the Relationship**

The relationship between EU law and national democracy is likely to continue to evolve in the years to come. There are a number of factors that could shape the future of this relationship, including:

\* **The outcome of the Brexit negotiations.** The United Kingdom's decision to leave the EU could have a significant impact on the relationship between EU law and national democracy. The UK is one of the most Eurosceptic member states and its departure could lead to a more intergovernmental approach to EU decision-making. \* **The rise of populism.** The rise of populist parties in Europe has led to increased skepticism about the EU. This skepticism could make it more difficult to build consensus on EU policies and could lead to a further erosion of support for the EU among national electorates. \* **The increasing use of technology.** The increasing use of technology is creating new challenges for democracy. The use of social media to spread disinformation and the use of artificial intelligence to automate decision-making could both have a negative impact on democratic accountability.

It is difficult to predict the future of the relationship between EU law and national democracy. However, it is clear that this relationship is complex and evolving. There are a number of factors that could shape the future of this relationship, including the outcome of the Brexit negotiations, the rise of populism, and the increasing use of technology.



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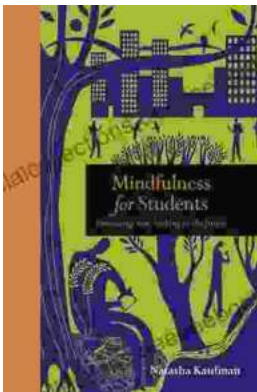
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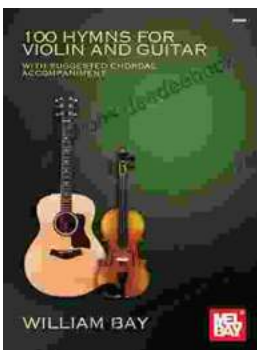
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