

The purpose of this thesis is to analyse the status of the EU Charter in the system of EU law and its application by Member States. EU fundamental rights in the EU can be perceived as controversial, because they can be regarded as a means of control of Union institutions, but also as a way of expansion of EU competences. In this context I will explore the EU Charter. The thesis is composed of 5 Chapters. In the First Chapter I will explain why human rights protection was not included in the Founding Treaties; furthermore I will elaborate on the case law of the Court which gave rise to EU fundamental rights as general principles of EU law. I will also explain why human rights are a sensitive issue between the EU and Member States. Chapter Two examines the development, content and the legal effects of the EU Charter. It also explores the parallel regime of the EU Charter and EU fundamental rights as general principles after the Treaty of Lisbon. Chapter Three is the core of this thesis. It explains the scope of application of the EU Charter by Member States. Based on the case law of the Court of Justice it will be shown that Member States are bound by EU fundamental rights when they act in the scope of EU law, which comprises of implementation of EU law, but also of derogation from EU law. It will be shown that this concept lacks legal certainty and a new approach should be adopted by the Court of Justice. In Chapter Four I will explore Chapter VII of the EU Charter that should clarify its application. However, it will be shown that the Charter does not make fundamental rights protection clearer. Last Chapter is dedicated to the analysis of the status of EU Charter in the Czech legal order. It will be examined if the EU Charter is part of the Czech national constitutional order. Lastly, the „opt-outs“ from the EU Charter and their legal relevance will be analysed.