

## THE GOVERNANCE OF EU FUNDAMENTAL RIGHTS

In spite of a continued increase in the substantive scope and reach of EU fundamental rights, little attention has been paid to their practical enforcement. In this book, Mark Dawson looks at the mechanisms through which EU fundamental rights are protected and enforced, closely examining the interrelation between the EU's pertinent legal and political bodies. He argues that in order to understand EU fundamental rights we must also understand the institutional, political and normative constraints that shape the Union's policies. The book examines the performance of different EU institutions in relation to rights, and studies two important policy fields – social rights and rule of law protection – in depth.

MARK DAWSON has been Professor of European Law and Governance at the Hertie School of Governance in Berlin since 2012. He received his PhD from the European University Institute in Florence in 2009 and has been a visiting scholar at the London School of Economics and the Harvard Kennedy School. His recent publications include *New Governance and the Transformation of European Law* and *Beyond the Crisis* with H. Enderlein and C. Joerges. He has written peer-reviewed articles for both law and political science journals, including the *European Law Journal*, *Common Market Law Review*, *European Law Review* and *Journal of Common Market Studies*.

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## SERIES EDITORS' PREFACE

EU fundamental rights stand at the heart of what the European Union stands for. Yet the relationship between the protection of fundamental rights through the EU Charter and the protection of fundamental rights through the European Convention is still fraught with difficulty, not least because the European Court of Justice torpedoed – unsurprisingly, it must be said – the political approach to accession of the EU to the European Convention, and because of the politicisation of the role of the EU as a fundamental rights actor. In this fraught situation, examination of the question of the governance of EU fundamental rights could not be more timely. Mark Dawson's second contribution to *Cambridge Studies in European Law and Policy* takes a close look at the governance architecture for EU fundamental rights. Dawson sees fundamental rights in the EU as a shared constitutional responsibility between, on the one hand, the national and EU legislatures and, on the other hand, the EU judiciary and other fundamental rights bodies. The latter, Dawson points out, may have to address imbalances and exclusions without the political process or act where the constitutional and democratic character of national political orders is fundamentally eroded.

This work uses various techniques to analyse the various aspects of EU fundamental rights, ranging from a close doctrinal analysis of the case law of the Court of Justice to process tracing in order to examine the interaction of the EU's main political institutions to lower or strengthen the level of fundamental rights protection established through two legislative proposals, also looking at external evaluation of the EU Fundamental Rights Agency and Frontex to assess the effectiveness of the principal procedures used by the EU institutions to monitor fundamental rights. The activities of the European Committee on Social Rights and of the Venice Commission are examined in two case studies, using doctrinal and empirical research. The great merit of Dawson's work is that it takes the normative content of EU fundamental rights seriously while recognizing that such rights must be understood within the context

of EU politics as objects of political contestation: on the one hand between different legal orders and on the other hand between EU institutions having distinct mandates for advancing and instrumentalising fundamental rights.

Dawson's book sends out challenges; it is enormously readable – the work is gripping, scholarly and compelling in its analysis. It deserves to be read by a wide audience and will challenge many preconceptions. It is indeed a major contribution to the literature on European Union law and fundamental rights, and it is with very great pleasure that we welcome its publication in *Cambridge Studies in European Law and Policy*.

*Laurence Gormley*  
*Jo Shaw*

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