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PROTECTION OF FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION – CONTEMPORARY DEVELOPMENTS AND CHALLENGES

Ana Lavinia LIVADARIU
ORCID ID: https://orcid.org/0009-0007-0630-1970
Email: lavinia_livadariu@yahoo.com
Affiliation: "College of Legal Advisers Suceava" Association

Abstract: *The protection of fundamental rights is one of the defining principles of the legal order of the European Union, constituting an essential element for guaranteeing the rule of law, democracy and respect for human dignity. The evolution of the European construction has led to the development of a complex system of legal norms and mechanisms designed to ensure a high level of protection of fundamental rights and freedoms, a system consolidated by the enshrinement of the Charter of Fundamental Rights of the European Union and by the case law of the Court of Justice of the European Union. At the same time, social, economic and technological transformations in recent decades have generated new challenges regarding the effective guarantee of these rights, requiring the continuous adaptation of the European regulatory framework.*

This study analyses the evolution of the protection of fundamental rights within the European Union, highlighting the main legal mechanisms established to guarantee their respect and the role of the European institutions in consolidating a common area based on the values of the rule of law. The analysis follows how fundamental rights have become an indispensable benchmark in the interpretation and application of European Union law, as well as the impact of the case law of the Court of Justice of the European Union on the development of European standards of protection.

At the same time, the research examines the contemporary challenges generated by digitalization, the use of artificial intelligence, the protection of personal data, cybersecurity and geopolitical developments, highlighting the need to maintain a balance between promoting innovation and respecting fundamental rights and freedoms. In this context, the development directions of the European legal framework and the

importance of cooperation between the institutions of the European Union and the Member States in order to strengthen an effective system of fundamental rights protection are analyzed.

The study demonstrates that the protection of fundamental rights is a dynamic process, constantly evolving, adapted to the changes in contemporary society and new legal challenges. The strengthening of this system depends on the uniform application of European rules, the development of coherent case law and the maintenance of a balance between the exercise of the competences of the European Union and the respect for the values that underpin the European project.

Keywords: *fundamental rights; European Union; Charter of Fundamental Rights of the European Union; Court of Justice of the European Union; rule of law.*

Introduction

The protection of fundamental rights is one of the essential pillars of the European construction, constituting the expression of the common values on which the European Union is founded. Respect for human dignity, freedom, democracy, equality, the rule of law and human rights are not only political objectives of European integration, but genuine legal principles that guide the activity of the European institutions and the Member States in the application of European Union law. In the current context, characterised by accelerated economic, social and technological transformations, the effective guarantee of fundamental rights acquires particular importance, being indispensable for strengthening citizens' confidence in the European project and in the functioning of democratic institutions.

Although the founding treaties of the European Communities did not initially contain an express catalogue of fundamental rights, the case-law of the Court of Justice of the European Union has progressively recognised these rights as general principles of Union law, inspired by the constitutional traditions common to the Member States and by international instruments on the protection of human rights. This jurisprudential development was the foundation for the development of a European system of fundamental rights protection, subsequently

consolidated by the proclamation and acquisition of binding legal force of the Charter of Fundamental Rights of the European Union[1].

The adoption of the Treaty of Lisbon marked a defining moment in the evolution of the European legal order, consecrating the binding nature of the Charter of Fundamental Rights and strengthening the obligation of the institutions of the European Union and the Member States to respect fundamental rights and freedoms in the application of Union law. In this way, the protection of fundamental rights has become an indispensable element of the functioning mechanism of the European Union, influencing both the legislative process and the judicial activity carried out at European and national level[2].

Currently, the protection of fundamental rights is faced with challenges generated by the evolution of digital technologies, the development of artificial intelligence, the intensification of data exchanges, threats to cybersecurity, the phenomenon of migration and the need to protect democratic values in a complex geopolitical context. These realities demonstrate that the European system of fundamental rights protection must constantly evolve to respond to new risks and to ensure a balance between the exercise of the Union's competences and the respect for individual rights.

The specialized doctrine highlights the fact that the development of fundamental rights protection within the European Union is the result of a continuous process of legal and institutional integration, in which the case law of the Court of Justice of the European Union, the provisions of the Treaties and the Charter of Fundamental Rights form a unitary system for guaranteeing European values. At the same time, the legal literature emphasizes that the efficiency of this system depends on the cooperation between the institutions of the European Union, national authorities and

[1] The European Union and Fundamental Human Rights, chapters on the development of fundamental rights protection in the legal order of the European Union.
[2] European Union, Treaty on European Union (consolidated version), Art. 2 and Art. 6.

courts, as well as on the uniform application of European standards for the protection of human rights[1].

This study aims to analyze the evolution of the mechanisms for the protection of fundamental rights within the European Union, highlighting the role of the European institutions, the contribution of the Court of Justice of the European Union and the importance of the Charter of Fundamental Rights in strengthening the rule of law. The research also aims to identify the main contemporary challenges that influence the exercise of fundamental rights and to assess the development directions of the European legal framework, in order to ensure effective protection adapted to the realities of contemporary society.

The scientific approach is based on the analysis of the European Union Treaties, European legislation, the case law of the Court of Justice of the European Union, as well as the main doctrinal works dedicated to the protection of fundamental rights. The methods used include normative analysis, systematic interpretation and the comparative method, with the aim of highlighting the evolution and prospects of the European system of protection of fundamental rights in a legal and social context in continuous transformation.

1. The evolution of the protection of fundamental rights in the European Union

The protection of fundamental rights within the European Union is the result of an evolutionary process, influenced both by the development of the European construction and by the need to consolidate a legal area based on respect for human dignity, freedom and the rule of law. Although the founding treaties of the European Communities aimed mainly at achieving economic integration, the evolution of the case law of the Court of Justice of the European Union has demonstrated that respect for

[1] Court of Justice of the European Union, case law on the recognition of fundamental rights as general principles of European Union law (e.g. Stauder, Internationale Handelsgesellschaft and Nold cases).

fundamental rights is an indispensable condition for the legitimacy and functioning of the European legal order[1].

A decisive role in this evolution was played by the Court of Justice of the European Union, which, in the absence of express regulation in the original treaties, enshrined fundamental rights as general principles of Union law. Through landmark judgments, the Court has established that the protection of these rights is inspired by the constitutional traditions common to the Member States and by international human rights instruments, in particular the European Convention on Human Rights. This jurisprudential orientation has contributed to the development of a common European standard of protection, applicable in all areas covered by Union law.

The enshrinement of the Charter of Fundamental Rights of the European Union was a key moment in the consolidation of the European system of protection of fundamental rights. Proclaimed in 2000 and becoming legally binding with the entry into force of the Treaty of Lisbon, the Charter brings together in a single instrument the civil, political, economic and social rights recognised at European Union level. By virtue of its binding nature, it constitutes a fundamental benchmark for the work of the European institutions and national authorities when applying Union law[2].

However, the protection of fundamental rights is not limited to the existence of legal rules, but also requires the existence of effective mechanisms for monitoring and ensuring compliance with them. In this regard, the Court of Justice of the European Union plays an essential role in the uniform interpretation of European law and in verifying the compatibility of acts of the Union institutions with the provisions of the Charter of Fundamental Rights. The case-law of the Court contributes to strengthening the principles of legality, proportionality, legal certainty and

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[1] The European Union and Fundamental Human Rights, chapters on the recognition of fundamental rights as general principles of European Union law.

[2] Charter of Fundamental Rights of the European Union (2012/C 326/02), published in the Official Journal of the European Union, C 326, 26 October 2012.

effective judicial protection, providing a framework of reference for national courts and other public authorities.

At the same time, the protection of fundamental rights in the European Union is based on a permanent dialogue between the European legal order and the constitutional systems of the Member States. National courts are obliged to interpret and apply Union law in accordance with European standards of protection, and judicial cooperation helps to ensure the uniform application of fundamental rights throughout the European area. This mechanism reflects the dynamic nature of European integration and the importance of loyal cooperation between the Union institutions and the Member States[1].

Recent developments demonstrate that the protection of fundamental rights must be constantly adapted to the changes generated by digitalisation, globalisation and the development of new technologies. The use of artificial intelligence, massive data processing, cybersecurity and the fight against disinformation generate new legal challenges, which require the interpretation and application of Union law in a manner capable of ensuring a balance between the public interest and the effective protection of the rights of the individual. In this context, the European system of protection of fundamental rights confirms its role as a guarantor of democratic values and respect for the rule of law within the European Union[2].

2. Protection mechanisms and contemporary challenges regarding fundamental rights in the European Union

The protection of fundamental rights in the European Union is achieved through a complex set of legal and institutional mechanisms, designed to ensure respect for the values enshrined in the European

[1] Court of Justice of the European Union, Judgment in Case 11/70, Internationale Handelsgesellschaft, 17 December 1970.
[2] Court of Justice of the European Union, Judgment in Case 4/73, Nold v. Commission, 14 May 1974.

Treaties and the Charter of Fundamental Rights of the European Union. These mechanisms have constantly evolved, as the Union's competences have expanded and the areas in which European law has direct effects on citizens have diversified. Currently, the efficiency of the protection system depends both on the activity of the European institutions and on the cooperation between them and the national authorities, since the application of Union law requires compliance with common standards in the field of fundamental rights.

The Court of Justice of the European Union plays a central role in this mechanism, by interpreting and applying European law uniformly. Through its case law, the Court has consolidated the status of fundamental rights as general principles of Union law and contributed to the development of a high level of legal protection. The judgments have influenced both the work of the European institutions and the practice of national courts, reinforcing the principles of legality, proportionality, legal certainty and effective judicial protection[1].

An essential element of the European system is the relationship between the legal order of the European Union and the system of protection established by the European Convention on Human Rights. Although the European Union is not a party to the Convention, the rights guaranteed by it constitute fundamental benchmarks in the interpretation and application of Union law. The dialogue between the Court of Justice of the European Union and the European Court of Human Rights contributes to the development of common standards of protection and to the strengthening of the coherence of the European system of fundamental rights[2].

However, technological transformations in recent years have generated new challenges for the protection of fundamental rights. The digitalisation of public administration, the use of artificial intelligence,

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[1] The European Union and Fundamental Human Rights, chapters dedicated to the role of the Court of Justice of the European Union in the development of the system of protection of fundamental rights.

[2] Court of Justice of the European Union, Opinion 2/13, 18 December 2014, on the accession of the European Union to the European Convention on Human Rights.

massive data processing and the development of digital services require a reassessment of the traditional mechanisms for guaranteeing rights and freedoms. The protection of privacy, the right to the protection of personal data, freedom of expression and the right to non-discrimination are under unprecedented pressure, which is leading the European institutions to adopt legislative solutions adapted to the new technological realities.

In this context, the European Union aims to develop a regulatory framework capable of harnessing the benefits of technological progress without compromising the fundamental rights of the individual. The adoption of regulations on artificial intelligence, digital services and data protection demonstrates the constant concern for achieving a balance between innovation, security and respect for democratic values. These legal instruments reflect the fact that the protection of fundamental rights is not an obstacle to technological development, but an essential condition for the responsible and legitimate use of new technologies.

At the same time, geopolitical developments, the intensification of the migration phenomenon, the fight against terrorism and the management of crisis situations have led to the emergence of new challenges regarding the reconciliation of the public interest with the protection of individual rights. In such situations, the European Union institutions are called upon to identify solutions that respect the principle of proportionality and to ensure that any restrictions on the exercise of certain rights are justified, necessary and in line with the values of the rule of law.

In conclusion, the European mechanisms for the protection of fundamental rights demonstrate the European Union's capacity to respond to the challenges of a society in constant change. However, their effectiveness depends on the uniform application of European law, on loyal cooperation between the Union institutions and the Member States and on the permanent adaptation of the regulatory framework to new social and technological realities. Only through such an approach can the effective protection of fundamental rights be ensured and citizens' trust in the values that define the European project be strengthened.

3. Prospects for strengthening the protection of fundamental rights in the European Union

The evolution of European society and the expansion of the European Union's competences require the permanent strengthening of the mechanisms intended for the protection of fundamental rights. The new challenges generated by the digital transformation, the development of artificial intelligence, the intensification of the mobility of people and the increase in threats to European security demonstrate that the Union's legal system must maintain its capacity to adapt, without compromising the values that underpin the European project. In this context, the protection of fundamental rights must be seen as a dynamic process, capable of responding to both technological change and economic and social transformations.

An essential element for the strengthening of this system is the development of coherent and uniform case-law at the level of the Court of Justice of the European Union. Its decisions contribute to the uniform interpretation and application of Union law, ensuring compliance with the principles enshrined in the Treaties and the Charter of Fundamental Rights. Equally, national courts play a decisive role[1] in the effective application of these standards, with the judicial dialogue between the European and national levels representing one of the main instruments for guaranteeing uniform protection of fundamental rights in all Member States.

Strengthening the protection of fundamental rights also requires the continuous improvement of the European legislative framework. The adoption of normative acts in the field of personal data protection, digital services and the use of artificial intelligence demonstrates the concern of the European institutions for regulating new technologies in accordance with the principles of the rule of law. In the coming period, it is expected that European legislation will pay increased attention to the transparency of algorithms, the responsibility of developers of intelligent systems and

[1] The European Union and Fundamental Human Rights, chapters on the evolution and strengthening of European mechanisms for the protection of fundamental rights.

the protection of individuals against the risks generated by the improper use of digital technologies.

At the same time, strengthening the protection of fundamental rights cannot be achieved exclusively by adopting legal rules. It is necessary to develop a European culture based on respect for human rights, legal education, the promotion of democratic values and the strengthening of citizens' trust in the institutions of the European Union. In this regard, cooperation between European institutions, national authorities, academia and civil society organisations contributes to identifying effective solutions for preventing violations of fundamental rights and for adapting the legal system to new social realities.

Particular attention must also be paid[1] to strengthening the mechanisms for monitoring compliance with the rule of law in the Member States. The protection of fundamental rights is closely linked to the existence of an independent judiciary, respect for the principle of legality and the efficient functioning of democratic institutions. From this perspective, the mechanisms developed at European Union level for assessing compliance with the values enshrined in Article 2 of the Treaty on European Union contribute to preventing slippages that may affect the effective exercise of fundamental rights and freedoms.

In the long term, the efficiency of the European system for the protection of fundamental rights will depend on the European Union's capacity to respond to the challenges of a society in constant change. Technological development, globalization and the emergence of new forms of social interaction require a permanent adaptation of the regulatory and institutional framework, so that fundamental rights benefit from effective protection regardless of the context in which they are exercised. Only by maintaining a balance between innovation, security and respect for human dignity can the European model of fundamental rights protection be strengthened and the continuity of the values that define the European Union be ensured.

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[1] European Commission, 2024 Rule of Law Report, Brussels, 2024.

Conclusions

The protection of fundamental rights is one of the most important achievements of the European integration process and constitutes a defining element of the legal identity of the European Union. The evolution of the European regulatory framework, the strengthening of the role of the Court of Justice of the European Union and the establishment of the binding nature of the Charter of Fundamental Rights have contributed to the development of a complex system of guaranteeing fundamental rights and freedoms, capable of meeting the demands of a democratic society based on respect for human dignity, equality and the rule of law.

The analysis carried out in the framework of this study highlights the fact that the protection of fundamental rights in the European Union is not a static mechanism, but a process in continuous evolution, influenced by economic, social, technological and geopolitical transformations. The development of new technologies, the expansion of the use of artificial intelligence, the digitalization (Corsei, 2025, pp. 86-98) of public services and the intensification of data exchanges generate important opportunities for the development of European society, but also legal challenges that require the permanent adaptation of legislation and institutional protection mechanisms.

At the same time, the research demonstrates that the effectiveness of the European system for the protection of fundamental rights depends on the cooperation between the institutions of the European Union, the authorities of the Member States and the courts. The uniform application of Union law, the coherent interpretation of the provisions of the Charter of Fundamental Rights and the development of consistent case-law contribute to strengthening legal certainty and increasing citizens' trust in European values. At the same time, the permanent dialogue between the European and national levels is an essential guarantee for respecting democratic principles and for the effective protection of individual rights.

In the perspective of the future development of the European Union, the protection of fundamental rights will continue to occupy a central place in the process of developing and implementing European

policies. Adapting the regulatory framework to new technological realities, strengthening mechanisms for monitoring compliance with the rule of law and promoting a legal culture based on respect for human rights are indispensable conditions for maintaining the balance between innovation, security and freedom. In this sense, the European Union is called upon to strengthen its role as guarantor of democratic values and of the effective protection of fundamental rights, offering a legal model capable of responding to the challenges of contemporary society (Corsei, 2025, pp. 88-97).

In conclusion, the protection of fundamental rights must not be seen solely as a legal obligation derived from the European Union Treaties, but as an expression of the values that underpin the European project. Only by consistently respecting these values, by developing a modern regulatory framework and by strengthening cooperation between the European institutions and the Member States can the effective protection of the fundamental rights and freedoms of all citizens of the European Union be ensured, thus contributing to the consolidation of the rule of law and the development of a fair, inclusive and democratic European society.

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