

	<i>Acknowledgements</i>	v
	<i>Contents</i>	vii
	<i>Abbreviations</i>	xii
	Introduction	3
PART I	From Treaty Regime to Constitutional Order	
CHAPTER 1	The Role of the Court of Justice in the Constitutional Law-Making	
1.1	The Court's Methods and Tools	10
1.1.1	'The Spirit, the General Scheme and the Wording'	11
1.1.2	The General Principles of EU Law	15
1.2	Doctrinal and Constitutional Foundations	19
1.2.1	The Concept of Direct Effect	20
1.2.2	Unpacking Direct Effect	23
1.3	Interim Conclusions	26
CHAPTER 2	Horizontal Application of EU Law	
2.1	Construing Horizontal Effect	30
2.2	Horizontal Effect in the Court's Case Law	33
2.2.1	Early Signs of Horizontality	33
2.2.2	Evolving Jurisprudence on the Horizontal Effect	37
2.3	Interim Conclusions	41
CHAPTER 3	The Concept of Horizontal Effect in the Union's Constitutional Order	
PART II	The Protection of Fundamental Rights as Part of 'the Very Foundations of the Union Legal Order'	
CHAPTER 4	Fundamental Rights: Universality and Historical Perspective	
CHAPTER 5	Fundamental Rights in the Union's Legal Order	
5.1	A Contextual Perspective	60
5.2	Gradual Incorporation of Fundamental Rights into EU Law	62
5.3	Fundamental Economic Freedoms as Fundamental Rights?	69
CHAPTER 6	Current Fundamental Rights Protection in the EU	
6.1	The Significance of the European Convention on Human Rights for the Fundamental Rights Protection in the EU	78

6.2	The Charter of Fundamental Rights of the European Union: The Union's Own Bill of Rights	83
6.2.1	The Contents and Structure of the Charter	89
6.2.2	The Nature of the Charter Provisions: 'Rights, Freedoms and Principles'	91
6.2.3	Member State Specific Concerns over the Scope of the Charter	93
6.2.4	Post-Lisbon Status and Use of the Charter	96
6.3	Interim Conclusions	100
CHAPTER 7	The Scope of Application of Fundamental Rights in the Union's Legal Order	
7.1	The General Scope of Application of EU Fundamental Rights	106
7.2	The Scope of Application of the Charter of Fundamental Rights	112
7.3	National Constitutional Identity and Divergent Rights Standards: Where Do the Limits Go?	121
7.4	Interim Conclusions	126
PART III	The Horizontal Effect of Fundamental Rights: A Comparative Constitutional Inquiry and the Union Way	
CHAPTER 8	Horizontal Effect of Fundamental Rights Penetrating the Public-Private Dichotomy in Law	
8.1	The Public-Private Dichotomy in Law	134
8.2	Public-Private Distinction Within the Context of EU Law	136
CHAPTER 9	Comparative Constitutional Inquiry into the Concept of Horizontal Effect of Fundamental Rights	
9.1	German <i>Drittwirkung</i> : Radiating Effect of the Basic Rights	146
9.2	Application of Fundamental Rights on the British Isles: Towards Horizontality	150
9.3	Further European Constitutional Traditions	152
9.4	Meet the Dividing Line: The State Action Doctrine of the US Constitutional Jurisprudence	154
9.5	On Canadian Soil: Fundamental Rights as Interpretative Parameters	156
9.6	Law under Constitutional Scrutiny: South African Approach	157
9.7	Effective Protection, Cautious Terminology: Jurisprudence of Regional Human Rights Courts	159
9.8	Conclusions on the Comparative Constitutional Inquiry: 'There Lies a Common Interest'	164

CHAPTER 10	The Union Way – The Horizontal Effect of Fundamental Rights in EU Law	
10.1	Rationale of the Horizontal Effect of Fundamental Rights	174
10.2	The Approach of the Court of Justice to Horizontal Effect of Fundamental Rights	176
10.2.1	Guiding Features in the Court's Reasoning	176
10.2.2	The Horizontal Effect of Fundamental Rights in the Court's Case Law	177
10.3	Adjudicating 'Rights' and 'Principles': An Analysis of the Content and Context	181
10.3.1	A Content-Based Analysis	183
10.3.2	A Context-Based Analysis	186
10.4	In Sum: Horizontal Effect of Fundamental Rights in EU Law	188
10.5	Interim Conclusions	192
PART IV	Conclusions: Horizontal Effect of Fundamental Rights Contributing to 'the Primacy, Unity and Effectiveness of European Union Law' and Beyond	
CHAPTER II	Conclusions	
II.1	The Horizontal Effect of Fundamental Rights: An Implication of a Stronger Fundamental Rights Protection in the Entwined Public-Private Sphere	198
II.2	Implications of the Horizontal Application of Fundamental Rights: Towards a Strengthened Judicial Protection and Constitutional Structure of the EU?	201
	Epilogue	208
	<i>Bibliography</i>	212
	<i>Table of Cases</i>	258
	<i>Table of Legislation</i>	282