

## Subjects

**Häberle, Peter** (Zuzenbide Publikoko, Zuzenbidearen Filosofiako eta Zuzenbide Eliztarreko katedraduna. Bayreuth Unibertsitatea. D-95440 Bayreuth. Alemania): Justiziaren atzetik betiko borroka (The eternal struggle for Justice) (Orig. eu). In: *Eleria*. 8, 5-10.

This article analyses the history of jurisprudence, which, as a cultural history, has its roots in classic antiquity. Law is, first and foremost, a cultural science, that is deeply related to the culture of its time. With jurisprudence without culture, without the contents elaborated by humanism and the illustration, the jurist is unprotected against unfair systems. The teaching of law must respond to various challenges: it must tend to its practical side without neglecting research into its bases. It must accept the diversity of specialities and be open to others new without forgetting the postulate of the unity of law and it must tend to the rise of Europeanisation without forgetting that the reality of the state constitutes the legal reference for the jurist.

**Alzola Berriozabalgaitia, Izaskun** (Enpresa Zuzenbideko irakaslea. Mondragon Unibertsitatea. Larraña, 16. 20560 Oñati): Kooperatiba Sozietateak eta beren eraketa (The constitution of Co-operatives) (Orig. eu). In: *Eleria*. 8, 11-22. The object of the present work is to show the identifying characteristics of Co-operatives and to analyse the procedure for their constitution. The Basque Law on Co-operatives has been recently modified. One of the main objectives of that reform is to facilitate the constitution of new co-operatives. Consequently, certain measures have been taken, such as the reduction of the minimum number of associates or of the minimum capital necessary to constitute a co-operative. However, in spite of the fact that the need for simplifying the procedure for constitution of co-operatives has been expressed within the Basque Co-operative movement, such procedures have not been modified.

**Imaz Zubiaur, Leire** (Eusko Jaurlaritzako bekaduna. Zuzenbide Zibileko irakaslea. Euskal Herriko Unibertsitatea. Agirre lehendakaria, 83. 48015 Bilbo): Oinordetza itunak Gipuzkoako Foru Zibilean (Inherital agreements in the Statutory Civil Law of Gipuzkoa) (Orig. eu). In: *Eleria*. 8, 23-35. Inspired in the Roman principle of the ambulatory nature of the *mortis cause* will, the testament is a legal act of last will by means of which the testator configures, while still living, the resulting patrimonial stage for after his or her death. The inherital agreement, on the other hand, established as it is in the principle of civil freedom and respect for acquired commitments, perfects the inherital designation, during the lives of both the institutor and beneficiary, irrevocably and in a bilateral manner, and with *inter vivos* effects. The inherital agreement is therefore also configured as one of the pillars of successoral law within a future Basque Law.

**Azelus Aramendia, Ander; Moreda Jausaras, Helena; Saragueta Irazoki, Felipe** (Bidasoa-Txingudi Mugaz Gaiandiko Partzuergoa. Kostorbe Eraikina. Iparralde etorbidea z/g. 20304 Irun): Muga: gaintzeke dagoen errealitatea (The frontier: a reality to surpass) (Orig. eu). In: *Eleria*. 8, 37-63. The present article is on the analysis of the Basque Eurocity of Bayonne-San Sebastián and of the Bidasoa-Txingudi Transborder Consortium, two projects directed towards encouraging trans-border co-operation in the territory located between the cities of Donostia and Baiona. Their purpose is also to establish the basis for the construction of a common physical space that favours common activities and co-operation of Basque citizens of both sides of the frontier. In addition to exposing both experiences and denouncing the numerous difficulties that have been presented, the options offered by the current legal framework are also examined together with the existing means for their development.

### Linguistic Law

**Agirreazkuenaga Zigorraga, Iñaki** (Zuzenbide Administratiboan katedraduna. Euskal Herriko Unibertsitatea. Manuel de Lardizabal, 4. 20018 Donostia): Nafarroako Administrazio Publikoetan Euskararen Erabilera Arautzen duen abenduaren 11ko 372/2000 Foru Dekretuaren legaltasunari buruzko Irizpena (Legal dictum issued at the requirement of the Mayor of Lekunberri [in representation of other Administrations and Institutions] on the legality of the Statutory Decree 372/2000, dated 11<sup>th</sup> December, which regulates the use of the Basque Language in the Public Administrations of Navarre [BON 5<sup>th</sup> January 2001]). In: *Eleria*. 8, 65-91.

This article reproduces in its integrity the legal dictum issued by Professor of Law Iñaki Agirreazkuenaga at the requirement of the Mayor of Lekunberri (in representation of other Administrations and Institutions). This dictum is on the legality of Statutory Decree 372/2000, dated 11<sup>th</sup> December, which regulates the use of the Basque Language in the Public Administrations of Navarre.

### Juridical Basque

**Landa Gorostiza, Jon-Mirena** (Zuzenbide Penaleko irakasle titularra. Euskal Herriko Unibertsitatea. Manuel de Lardizabal, 4. 20018 Donostia): Unibertsitatearen zeregina legegintza euskaldunear: zuzenbide penaletik egindako hausnarketa (The function of Universities in Basque legislation: a reflection from the point of view of Penal Law) (Orig. eu). In: *Eleria*. 8, 93-98.

This work analyses the difficulties that crop up within the University when trying to teach Penal Law in Basque. This is a legal field in which the precision of terms is absolutely essential for its correct operation. Below, in addition to exposing the main characteristics of Penal Law, the author expresses the existing problems that exist when attempting to carry out in Basque any legal-penal activity.

### Interviews

**Atxabal Rada, Alberto**. Juridical investigator. (Orig. eu). In: *Eleria*. 8, 99-101

**Prieto de Pedro, Jesús**. Administrative Law teacher and Vice-Chancellor of the UNED (Orig. eu). In: *Eleria*. 8, 103-108.

## Columns

**Aizega Zubillaga, Joxe Mari** (Kontzertu eta Hitzarmen Ekonomikoari buruzko jardunaldien koordinatzailea. Mondragon Unibertsitatea. Larraña, 16. 20560 Oñati): Kontzertu eta Hitzarmen Ekonomikoari buruzko jardunaldiak (Sessions on the General and Economic Agreements). (Orig. eu). In: *Eleria*. 8, 109-116. Since the current General and Economic Agreements that regulate the financial and fiscal relations and between the State and the statutory territories of the Basque Autonomous Community expires on 31<sup>st</sup> December 2001, and due to the need to elaborate a new law in this regard, there have been a series of sessions dedicated to reflecting on both such Agreements.

**Elosegi Aldasoro, Antton; Garmendia Iartza, Koro** (EHUko Zuzenbide Fakultatea, Manuel de Lardizabal, 2. 20018 Donostia): Eleaniztasunari eta Legegintza teknikari buruzko sinposiuma (Symposium on Multilingualism and Legislative Techniques). (Orig. eu). In: *Eleria*. 8, 117-122.

In what language is the legislative process carried out in countries with several languages? How do official languages manage together in the activity of the institutions? What models can we find in the international panorama? Experts originating from both the Basque Country and from various countries with several languages analysed these and various other problems in the symposium organized by the University of Deusto.

**Gallastegi Aranzabal, Cesar** (Deustuko Unibertsitatea. Unibertsitateen etorbidea, 24. 48007 Bilbo): Eleaniztasunari eta teknika legegileari buruzko sinposioa (Symposium on Multilingualism and Legislative Techniques). (Orig. eu). In: *Eleria*. 8, 123-125.

In the 20<sup>th</sup> anniversary of the Basque Parliament, the University of Deusto held a Symposium on Multilingualism and Legislative Techniques on the 14<sup>th</sup> and 15<sup>th</sup> November, in which numerous experts presented their experiences on legislation and co-officiality and analysed future challenges.

**Sagasti Aurrekoetxea, Josu J.** (Merkataritza Zuzenbidean doktorea. Euskal Herriko Unibertsitatea. Agirre lehendakariaren etorbidea, 83. 48015 Bilbo): Merkataldegi handien eraentza eta Europar Batasunaren ustea euskal zerga-laguntzei buruz (The regulation of large commercial establishments and the European Union's considerations on Basque Fiscal Assistance). (Orig. eu). In: *Eleria*. 8, 127-134.

The Autonomous Community of the Basque Country has developed Law 7/1994, on the regulation of Commercial Activity, and in that context decided to modify the wording of article 13 of the mentioned law, which establishes the regulation of large commercial establishments. On the other hand, the European Commission has opened a consultation in which to file observations on fiscal assistance, in the form of exemptions on taxation on Societies for recently-created companies, which were established by the Historical Territories (Basque provinces). To this respect, the Commission considers that, since the afore-mentioned measures cannot be qualified as minimum regulations, there should have been some previous notice. At the same time, it outlines its doubts with respect to the compatibility of such fiscal assistance with European regulations.

**News.** News items. Bibliography. Doctoral theses. Future Laws. (Orig. eu). In: *Eleria*. 8, 135-143.