

17, 1-146, 2001 **European Charter of Rights**
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Martín-Retortillo Baquer, Lorenzo (Nuncio, 19. 28005 Madrid): La eficacia de la Carta (The efficiency of the Charter) (Orig. es)

In: *Azpilcueta*. 17, 19-27

Abstract: The European Charter has been solemnly signed but its contents have not been transferred to Treaties. It is therefore not immediately binding law. Will it therefore lack any legal value? The intention behind this article is to demonstrate that, to a large extent, this is not so. In fact, a consistent part of the Charter is already in the Treaties, or originates of the Jurisprudence of the Court of Justice in Luxembourg or is part of the constitutional traditions of the State members. There is, on the other hand, no impediment whatsoever for more qualified legal organs to use it, as has already been done in Spain by the Constitutional Court.

Key Words: Fundamental Rights. Human Rights. European Charter. Effects of the Charter.

Pérez Tremps, Pablo (Univ. Carlos III. Dpto. de Derecho Público del Estado. Madrid, 126. 28903 Getafe): La Carta Europea de Derechos Fundamentales: ¿Un primer paso hacia una futura Constitución Europea? (The European Charter of Fundamental Rights: A first step toward a future European Constitution?) (Orig. es)

In: *Azpilcueta*. 17, 29-40

Abstract: The intention of this work is to analyse the role of the European Charter of Fundamental Rights in the process of 'constitutionalisation' of Community Law. In order to do so, after briefly displaying which are the procedures through which such a process has been carried out, an attempt is made to determine how the process is inserted in each one of those procedures. The conclusion is that, nowadays, the Charter is not formally an element of constitutionalisation, although from a material point of view it does represent a certain advance.

Key Words: European Union. Fundamental Rights. Constitution.

Saiz Arnaiz, Alejandro (Escuela Judicial. Dpto. de Derecho Constitucional. Carretera de Vallvidrera, 43-45. 08017 Barcelona): La Carta de los Derechos Fundamentales de la UE: entre el Derecho Comunitario y el Derecho Internacional de los derechos humanos (The Charter of Fundamental Rights of the EU: between Community Law and International human rights Law) (Orig. es)

In: *Azpilcueta*. 17, 41-47

Abstract: The intention is to analyse the EU Charter of Fundamental Rights from the point of view of its relations with Community Law, on one hand, and with International human rights Law, in particular the 1950 Treaty of Rome, on the other hand. The author also studies the influences that both laws have had on the contents of the document proclaimed in Nice in December 2000.

Key Words: Community Law. Fundamental Rights. European Covenant on Human Rights. European Union Charter of Fundamental Rights.

Alonso García, Ricardo (Univ. Complutense. Fac. de Derecho. Dpto. Derecho Administrativo. Ciudad Universitaria s/n. 28040 Madrid): Fuerza (indirecta) y autonomía (moderada) jurídicas de la Carta de Derechos Fundamentales de la Unión Europea ((Indirect) force and (moderate) legal autonomy of the European Union Charter of Fundamental Rights) (Orig. es)

In: *Azpilcueta*. 17, 49-62

Abstract: After the merely political proclamation of the European Union Charter of Fundamental Rights, an evolution (not a revolution) within the European Union in matters of fundamental rights seems to confirm itself. Such an evolution is going in the good direction of simplification, an impulse to training in jurisprudence in matters of fundamental rights, and its function as a minimum standard of protection. It also opens the possibility of dialogue between European Union law and the European Covenant of Human Rights, and its jurisprudence originating from the European Court of Human Rights.

Key Words: Simplification. Normative autonomy. Indirect force. Charter, Standard of protection.

Muñoa Ganuza, José María (Eusko Jauriaritza-Gobierno Vasco. Lehendakaritza. Secretaría General de Acción Exterior (SGAE). Navarra, 2. 01007 Vitoria-Gasteiz): Las regiones ante la Carta de Derechos Fundamentales de la Unión Europea (The regions before the European Union Charter of Fundamental Rights Laws) (Orig. es)

In: *Azpilcueta*. 17, 63-69

Abstract: Before the "institutional reform CIG" at Nice, that opened the discussion on the deepening democracy and on the legitimacy of the Union, the Regions Committee and especially the Basque Country, although formally excluded from the Convention that had the commission to elaborate the Charter, worked intensely in favour of its approval. In spite of the fact that the Charter was finally approved as a political statement, the Committee continues supporting firmly the binding character thereof, in spite of the discrepancies emerged in the Committee itself, since the Charter could be the embryo of a future European Constitution.

Key Words: European citizenship. Individual, political, social, and collective rights and rights of new generation. Legal binding character of the Charter. Constitutionalisation of the EU.