



La Charte des droits fondamentaux

★ **7 décembre 2000 :**

adoption par les Etats membres de l'Union européenne

★ **Objectifs :**

- Renforcer la protection des droits fondamentaux à la lumière de l'évolution de la société
- Réaffirmer les droits fondamentaux qui fondent la construction européenne

★ **Portée :** valeur politique

Charte Des Droits Fondamentaux De L'unio

Michał Bobek, Jeremias Adams-Prassl



Charte Des Droits Fondamentaux De L'union:

Charte des droits fondamentaux de l'Union européenne Fabrice Picod, 2018-02-14 Le 1er décembre 2009 entrerait en vigueur le traité de Lisbonne. Par ce biais la Charte des droits fondamentaux acquiert la valeur contraignante pleine et entière dont elle s'était vu initialement privée lors de sa proclamation par le Parlement européen, le Conseil et la Commission le 7 décembre 2000. En moins de vingt ans, l'application de la Charte a conduit la production d'une jurisprudence abondante et complexe tant à l'égard des droits et libertés qu'elle consacre, songeons par exemple au principe non bis in idem, la matière de la protection des données caractéristiques personnelles ou encore l'interdiction des discriminations qu'en lien avec les clauses transversales qui en gouvernent l'interprétation et la mise en œuvre d'limitation de son invocabilité vis-à-vis des actes législatifs en lien avec la Convention européenne des droits de l'Homme et articulation avec la protection constitutionnelle des droits et libertés. Une synthèse de cet acquis et des perspectives qu'il laisse entrevoir a paru utile voire indispensable. Le présent ouvrage s'y emploie sous la forme d'un commentaire article par article systématique de la Charte des droits fondamentaux de l'Union européenne du 7 décembre 2000 telle qu'adoptée le 12 décembre 2007 à Strasbourg, laquelle l'article 6 du traité sur l'Union européenne confère la même valeur juridique que les traités constitutifs. Chaque commentaire intègre les références doctrinales et jurisprudentielles les plus récentes et les plus pertinentes sur les sujets traités et opère les renvois aux autres instruments de protection des droits de l'Homme susceptibles d'offrir un éclairage. La Charte. Issu des efforts conjugués d'une équipe franco-belge, cet ouvrage croise les regards des universitaires, des chercheurs et des praticiens, l'image du public auquel il est destiné.

La Charte des droits fondamentaux de l'Union européenne Guy Braibant, 2001. Ayant participé à la rédaction de la Charte proclamée en l'an 2000, G. Braibant en expose le préambule et les 54 articles fondés autour des valeurs de dignité, de liberté, d'égalité, de solidarité, de citoyenneté et de justice.

La Charte des droits fondamentaux de l'Union européenne Carole Pharé-Bégingette, 2002.

La Charte des droits fondamentaux de l'Union européenne après le Traité de Lisbonne Bertrand Favreau, Institut des droits de l'homme des avocats européens, 2010. À l'origine, ni le traité CE ni le traité sur l'Union européenne ne comportaient de catalogue des droits fondamentaux. La garantie des droits fondamentaux est d'abord l'un des acquis du droit communautaire européen. Dès 1974, la Cour de justice des Communautés européennes, devenue avec le Traité de Lisbonne la Cour de justice de l'Union européenne, a décidé que les droits fondamentaux feraient partie des principes généraux du droit qu'elle se devait de sauvegarder et dont elle s'inspirerait. En 1999, le Conseil européen de Cologne a décidé d'établir un catalogue de ces droits afin d'ancrer leur importance exceptionnelle et leur portée de manière plus visible pour les citoyens de l'Union. Ainsi allait naître la Charte des droits fondamentaux de l'Union européenne, une première fois proclamée à Nice le 7 décembre 2000. Une seule question avait alors été laissée en suspens : celle de la valeur juridique de la Charte. D'ordinaire, c'est une Charte adoptée et proclamée le 12 décembre 2007, laquelle le Traité de Lisbonne donne force obligatoire en reconnaissant aux droits, libertés et principes proclamés dans la Charte des droits fondamentaux la même valeur juridique que les traités. Ainsi

une nouvelle tape est elle franchie Elle cr de nouvelles obligations pour le juge dans la n cessit de pr server les droits fondamentaux Avec la force contraignante de la Charte ce sont aussi des sources multiples auxquelles s est r f r cet instrument nouveau qui vont devenir pour le juge europ en comme pour le juge national l objet d applications d interpr tations ou de sanctions Et notamment les principes issus de la Convention sur les droits de l homme et la biom decine en ce qui concerne le patrimoine g n tique de la Charte sociale europ enne et de la Charte r vis e du Conseil de l Europe comme de la Charte communautaire des droits sociaux fondamentaux des travailleurs La Charte concerne donc l ensemble des droits de la deuxi me ou de la troisi me g n ration et leur incidence sur le domaine de l environnement comme sur celui de la consommation sur les droits des handicap s aussi bien que sur les conditions de vie des personnes g es

Charte des droits fondamentaux de l'Union européenne et Convention européenne des droits de l'homme Caroline Picheral,Laurent Coutron,2012 En leur temps l laboration jurisprudentielle d un droit communautaire des droits fondamentaux et la proclamation de la Charte des droits fondamentaux de l Union n ont pas manqué de poser la question d une compl mentarit et ou d une concurrence avec le syst me de la Convention europ enne des droits de l homme Mais les termes du d bat semblent d sormais renouvel s depuis que l entr e en vigueur du trait de Lisbonne a fait sortir la Charte de la cat gorie des textes d claratoires et engag l Union adh rer la Convention La place et le poids de ces deux instruments s en voyant modifi s la p riode invite repenser les relations entre les deux syst mes de garantie des droits de l homme dans l espace europ en Aussi l ouvrage veut il davantage s int resser la th orie de l quivalence des protections la fois comme l ment de coh rence mat rielle dans le contenu des garanties offertes par la Charte et la Convention et comme instrument d articulation fonctionnelle entre les contr les respectivement assur s par la Cour de justice de l Union europ enne et par la Cour europ enne des droits de l homme en int grant une r flexion sur ce que pourrait ou devrait impliquer cet gard l adh sion en termes d ajustement de leurs comp tences En prise sur les d veloppements les plus r cents l ouvrage se propose ainsi de jeter un nouveau regard sur l avenir de la protection juridictionnelle des droits fondamentaux en Europe Il int ressera les praticiens confront s aux probl mes de la coexistence et de l articulation entre droit de l Union et droit de la Convention les professeurs les chercheurs et les tudiants du troisi me cycle

La Charte Des Droits Fondamentaux de L'Union Europeenne Abdelwahab Biad Et Valerie Parisot (Dir.),2018

La Charte des droits fondamentaux de l'Union européenne Jean-Yves Carlier,Olivier de Schutter,2002 Cet ouvrag est le fruit d une journ e d tude organis e le 15 d cembre 2000 Louvain la Neuve par le D partement de droit international de la Facult de droit de l Universit catholique de Louvain et par le Dipl me d tudes sp cialis es DES en droits de l homme de l UCL et des Facult s universitaires Saint Louis l occasion de l m ritat du professeur Silvio Marcus Helmons Le sujet retenu analyse l apport de la Charte des droits fondamentaux de l Union europ enne proclam e solennellement Nice le 7 d cembre 2000 la protection des droits de l homme en Europe L examen de la Charte s articule en trois parties La premi re partie donne le contexte la deuxi me partie analyse le contenu de la Charte et la troisi me donne des

points de vue de ceux qui seront appelés à la vivre ou à la faire vivre Une annexe reproduit le texte de la Charte avec les explications du Président Cet ouvrage constitue une des premières analyses approfondies qui réunissent des acteurs ayant participé à la élaboration de la Charte des scientifiques et des magistrats européens L'ouvrage intéressera certainement les praticiens du droit appelés à utiliser ce nouvel instrument mais aussi les représentants des institutions des organisations non gouvernementales et tout citoyen qui veut mieux connaître les droits fondamentaux qui lui sont reconnus dans l'Union européenne

Charte des droits fondamentaux de l'Union européenne Union européenne, 2006 Charte des droits fondamentaux de l'Union européenne Union européenne, 2001 **The EU Charter of Fundamental Rights in the Member States** Michal Bobek, Jeremias Adams-Prassl, 2020-12-24 Ten years after the Charter of Fundamental Rights of the European Union became part of binding primary law and twenty years since its adoption this volume assess the application of the EU Charter in the Member States How often and in particular by which actors is the EU Charter invoked at the national level In what type of situations is it used Has the approach of national courts in general and of constitutional courts in particular to EU law to EU fundamental rights law changed following the entry into force of the Charter What sort of interplay does the Charter generate with the national bill of rights and the European Convention Is the life with the Charter on the national level a harmonious *praktische Konkordanz* or rather a messy *mange-tout* These and other questions are discussed in the four parts that form the book Part I is dedicated to the normative foundations Part II sets out Member States Perspectives providing a structured in depth account of the Charter's operation in 16 different Member States Part III provides a detailed evaluation of selected rights contained within the Charter Part IV synthesises the materials presented up to that point to develop a series of broader perspectives looking to discover underlying lessons about the relationship between EU fundamental rights law and national legal systems

la charte des droits fondamentaux de l'union européenne. France. Assemblée nationale (1958->). Délégation pour l'Union européenne, François Loncle, 2000-01-01

Charte des droits fondamentaux de l'Union européenne Parlement européen. Direction générale de l'information et des relations publiques, 2000 La charte des droits fondamentaux de l'Union européenne Stéphane Augendre, 2006 La Charte des droits fondamentaux et l'équilibre constitutionnel entre l'Union européenne et les États membres Nicolas Cariat, 2016-12-01 L'entrée en vigueur de la Charte des fondamentaux de l'Union européenne qui marque l'aboutissement d'un processus de structuration du régime des droits fondamentaux au sein de l'ordre juridique de l'Union a été accompagnée par l'insertion dans le droit primaire de nombreuses et redondantes dispositions destinées à empêcher que la Charte ne perturbe l'équilibre constitutionnel entre l'Union et les États membres au détriment des seconds Au moyen d'une analyse fouillée du droit antérieur et des travaux préparatoires de la Charte cette étude vise d'abord à identifier l'origine historique des dispositions inscrites dans le droit primaire et leur raison d'être politique et juridique savoir les évolutions non souhaitées du droit de l'Union auxquelles elles sont supposées faire obstacle En étudiant l'évolution de l'ordre juridique de l'Union depuis l'entrée en vigueur

du traité de Lisbonne elle examine également sur la base d'une analyse exhaustive et originale de la jurisprudence de la Cour de justice et de l'action des institutions l'incidence effective de la Charte sur les systèmes nationaux de protection des droits fondamentaux ainsi que sur l'étendue des compétences de l'Union du champ d'application du droit de l'Union et des pouvoirs des institutions de l'Union afin d'assurer le respect des droits fondamentaux dans les États membres. Si la Charte a contribué à une montée en puissance visible des droits fondamentaux dans l'ordre juridique de l'Union ainsi qu'au développement d'une gouvernance et d'une culture des droits fondamentaux, il apparaît clairement que ces évolutions n'ont pour l'instant pas altéré l'équilibre constitutionnel pré-existant. Au-delà de ce bilan positif mais peut-être surprenant et des réflexions envisageables, le droit primaire constant la modification des traités apparaît néanmoins indispensable afin de doter l'Union des moyens nécessaires à la préservation des valeurs communes sur lesquelles elle est fondée.

Charte des droits fondamentaux de l'Union européenne, 2000

La Charte des droits fondamentaux de l'Union européenne et les ressortissants des pays tiers Julien Soulié (docteur en droit.), **Charte des droits fondamentaux de l'Union européenne** European Union, European Parliament, 2000

Les dix ans de la Charte des droits fondamentaux de l'Union européenne Romain Tinière, Claire Vial, 2020-10-07

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