



La eficacia entre particulares de la Carta de Derechos Fundamentales de la Unión Europea a la luz de la jurisprudencia del Tribunal de Justicia [

2017

text (article)

Analítica

The main purpose of this paper is to analyze the binding effectiveness of the Charter of Fundamental Rights of the European Union in relationships between individuals. After explaining briefly its binding capacity in relation to public authorities (vertical efficacy), either in the Union or in the Member States (when applying Union law), the article focuses on the description of the various positions and arguments about the interprivatos effectiveness of the Charter, that is, its ability to bind or constrain (directly or indirectly) individuals (horizontal effectiveness). In that respect, these lines also aim at one of the main issues the Court's case-law is currently facing in this area: whether the connection of a Charter right with a Directive, or its realization in it, strengthens its horizontal binding effectiveness (knowing that, by definition, these rights lack of efficacy in the relationships between individuals), or its invocability, an issue that is being raised in relation to the Charter's rights of equality (particularly, non-discrimination) and of solidarity

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