

Questions

You have been invited to a conference of experts organized by the parliament of member state S. The Charter of Fundamental Rights shall be incorporated into the Treaty on European Union, but it is not yet sure that the parliament will ratify the treaty of amendment. During the conference, some members of parliament ask questions:

1. Mr. A, who is a lawyer, wants to know, if and to what extent the Charter might interfere with the protection of fundamental rights provided by the national constitution. The national fundamental rights regime is very developed but focuses on fundamental freedoms, primarily understood as defensive rights (rights of status negativus).
2. Mrs. B, a business woman and passionate fan of the former British Prime Minister Mrs. Thatcher, wants to reform the economy after having won the next election. She wants to free the legal system of any "social or socialist idea" which may in any way interfere with the freedom of free enterprise or the principle of a "really free" market economy. She asks if and to what extent the Charter can be an obstacle to her plans.
3. Mrs. C is an advanced and critical law student. The nice wording of the articles in the Charta does not blind her. She has heard rumours about a strange and incoherent system of partially antiquated fundamental rights limits. She wants to know if this is true.
4. Mr. D, the youngest member of this parliament, is a committed representative of the "fun generation". He considers it crucial that a fundamental rights catalogue is comprehensive, that it guarantees as well the freedoms which are important to the young people but often ignored by the officials, university professors and elderly, such as the freedoms to drive a car, to roller-skate or to use the skateboard in the city, to wear sexy clothing in the public and to enjoy the pleasure of smoking marihuana. Does the Charta match these demands?
5. Mr. E was a theologian and philosopher before becoming a member of parliament. He wants to know the significance of human dignity within the conception of the Charter and if it is guaranteed that this "fundamental value of mankind" can under no circumstances be restricted.
6. Mrs. F, a dedicated supporter of amnesty international, is pleased by art. 2(2) of the Charter. She just wants to be sure that, with the Charter, death penalty is absolutely banned.

What will you answer them?