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*ABSTRACTS*



### **The disciplinary power of the Administration and its present requirements: a preliminary study**

JOSÉ SUAY RINCÓN

The disciplinary power of the Administration and its present requirements: a preliminary study treats very closely the up-date state and the panorama of the disciplinary Administrative law in Spain.

In this article are explained fundamental aspects that identify the power of the administrative sanction opposite to the rest of administrative penal acts that are executed in Spain.

### **The principles of the disciplinary power of the public Administrations. Legality and effect**

EVA MARÍA MENÉNDEZ SEBASTIÁN

Eva M<sup>a</sup>. Menéndez Sebastián enumerates and explains in this article two fundamental principles of the power disciplinary of the public Administrations: the principle of legality and the principle of effect.

Menéndez Sebastián explains first the principle of legality as material and formal guarantee of Criminal law, and secondly the principle of effect in the constitutional area (not-retroactivity law in peius) and in the jurisprudential area (retroactivity law in bonus).

### **Principles in proportionality and limitation period for fine authority**

MIRIAM CUETO PÉREZ

This article outlines the general principles in proportionality. First, it describes the principles types and effects of proportionality. Second, the author analyzes the foundation of law, particularly in fine proportionality. Finally, this paper explains limitation period for fine authority, and the relations between limitation period and the strict time limit.

### **The principles of proportionality and the end of sanctions**

JAVIER JUNCEDA MORENO

This article analyses the general principles of proportionality and the end of sanctions. First, it introduces the constitutional basis of proportionality of sanctions. Second, it analyses the proportionality of

sanctions in the 30/1992 law and the development of jurisprudence. Finally, the author studies the end of sanctions, its nature and basis. The author also explains the relation between ending and revocation, and the difference between fine and sanctions.

### **Fines concurrence: unfinished construction**

LEOPOLDO TOLIVAR ALAS

This paper analyzes the nature and meaning of the principle in “Non bis in idem” a fundamental right out of the Spanish Constitution. It describes also the proceedings in Health Service fine proceedings cases and the main acts that articulate Health Service in Spain, both in Local Government Law and in basic one.

### **Principles in fine proceedings**

FRANCISCO LÓPEZ MENUDO

This article outlines the general principles in fine proceedings. First, it describes the principles types and effects of fine proceedings. Second, the author analyzes the guarantees of the proceedings and the presumption of innocence. Finally, this paper explains defencelessness prohibition, the right of not self-accusation and the right of legal assistance.

### **Reflections on the previous proceedings and their effects in the administrative fine proceedings and the guarantees for the person affected**

ENCARNACIÓN MONTOYA MARTÍN

This paper analyzes the nature and purpose of the previous proceedings in the administrative fine proceedings cases. It describes the guarantees of the previous proceedings and the related legal doctrine of the Constitutional Court and the ordinary courts. It also explains the effects of previous proceedings on the general fine proceedings.

### **Fine authority and autonomous regions**

JUAN MANUEL ALEGRE ÁVILA

This articles explains the relations between fine authority and the Autonomous Regions. First, it defines the substantive and fine authorities. Second, the author describes the norms that articulate fine authority both in the central State and the Autonomous Regions. Finally, this paper studies the particular cases of fine authority in environmental and social security issues.

### **Holders of legal authority to sanction. Local entities**

MARÍA TERESA CARBALLEIRA RIVERA

There is a need to solve tensions between the legal principle and the local autonomy principle concerning the authority to sanction. First, local entities had not an autonomous authority to sanction but progressively, doctrine and legislators have introduced solutions to the local sanctioning model: a step forward to acknowledgement of local autonomy.

### **Holders of legal authority to sanction. Institutional and corporate entities**

ANA BELÉN CASARES MARCOS

There are several issues regarding this matter, such as the lack of unity of sanction law, the different holders of legal authority to sanction or the difficulties of competence distribution between national and regional authorities. This article divides the analysis into the two main categories: institutional entities and corporate entities, describing types and holders and the role of public bodies, agencies, foundations, independent administrations and then professional associations.

### **Judicial review of administrative sanctions in the european convention of human rights (ECHR)**

PRUDENCIO MORENO TRAPIELLA

This article analyzes the review of Administrative Sanctions, starting by the distinguishing if, in the framework of art. 6 of ECHR, this is a civil or a Penal Procedure and the unlimited jurisdiction in appeals applied to Penal Sanctions. It also studies the integration in National Law of the right to an unlimited jurisdiction appeal and revises the application of art. 6, in the Administrative Sanction Procedure. Finally, the author analyzes the relation between ECHR and Contentious Administrative Proceedings in Spain concerning the review of administrative sanctions and their individualisation.

### **Institutional framework for community sanctions**

MARIANO LÓPEZ BENÍTEZ

This article analyzes the extension of community sanction competence, the role of Member States in this area, legal nature of community sanctions and institutions and bodies having sanction competence. It also studies the different types of administrative sanctions and their delimitation problems. Finally, it also analyzes briefly the process and financial sanctions concerning marketing of pharmaceutical products.

