

Introduction: the multilevel architecture of fundamental rights protection in Europe



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- 1 18 June 2026
- 2 The EU Charter in Legal Practice
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The origin of the architecture: a historical note

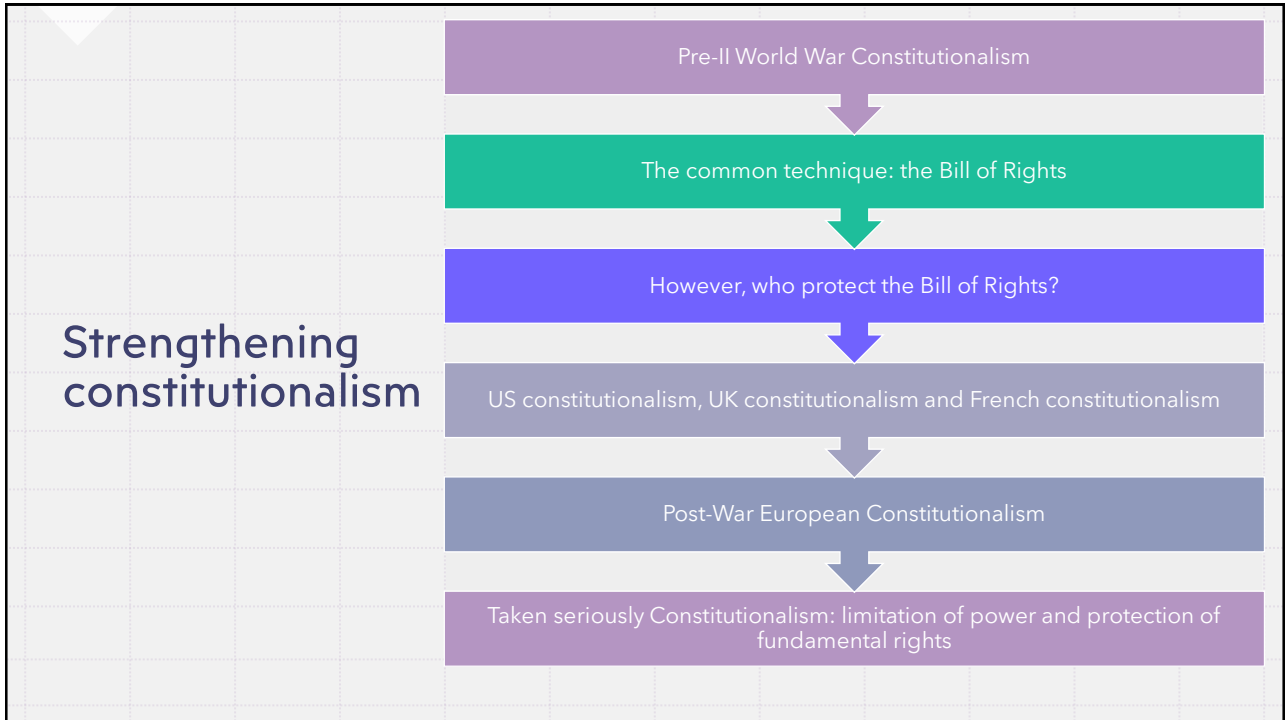
The II World War: massive violation of rights

- Totalitarianism
- Failure of constitutionalism in continental Europe

The reconstruction of Europe: three paths

- Strengthening constitutionalism: Post-War European constitutionalism
- Reconstructing from rights: the Council of Europe
- Reconstructing from economy: the EU

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Reconstructing Europe from economy I

- Securing peace through economic integration
- Step-by-step economic integration: the vision of the founders
- The vision in practice
- 1951: Treaty of Paris: European Coal and Steel Community
- 1957: Treaty of Rome: European Economic Community (EEC) and the European Atomic Energy Community (EURATOM)
- 1967: Treaty of Brussels (Merger Treaty): the European Communities (EC)
- The last step, a political integration: 1992, Maastricht Treaty and the European Union

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Reconstructing Europe from economy II (and also, again, from rights)

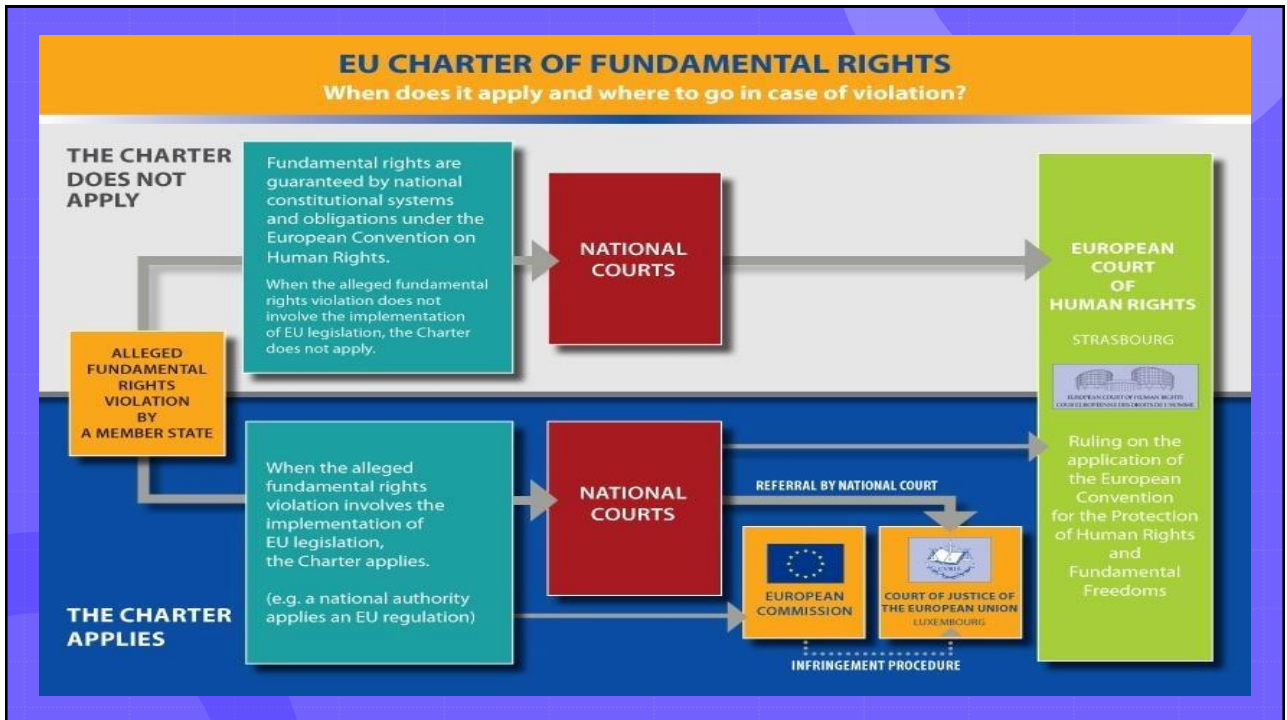
The starting point: fundamental rights and the silence of the Treaties

The incorporation of rights in the EU

- Primacy of EU law and the national reaction of constitutionalism
- And the contra reaction of the CJEU: fundamental rights as a general principles of EU law
- A boost for fundamental rights: the internal market

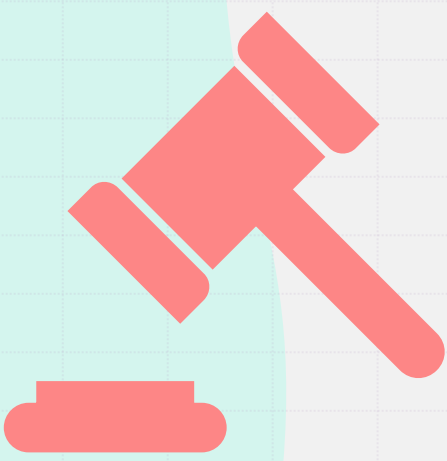
The last step: the EU Charter of Fundamental Rights

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The challenges of the multilevel architecture



- A triad of texts... and courts!
- Constitutional bill of rights (constitutional/supreme courts) + ECHR (ECtHR + EU Charter (CJEU))
- The risks: inconsistencies, contradictions...
- Disciplining the relationship
- Institutional mechanisms: particularly, the preliminary reference
- Case law mechanisms

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The double relationship of the EU Charter

National Constitutions vis-à-vis EU Charter

- When is applicable? The scope of application of the EU Charter: Arts. 51 and 52
- And if it is applicable, how interacts with national constitutions? Article 53
- And everything more complicated: the CJUE's interpretation: the EAW and the Melloni case as an example of tension
- And the populism threats: challenges for primacy of EU law and the abuse of the national/constitutional identity clause

EU Charter vis-à-vis ECHR

- The *Bosphorus* doctrine
- The future accession of the EU to the ECHR (and its difficulties: CJEU Opinion 2/13, 2014)
- Some tensions? The immigration field: 2011: ECtHR *M.M.S* - CJEU *N.S.*: from mutual trust to the "systemic deficiencies test". And then 2017-2019: the "individual exceptions" (CJEU: *C.K, Jawo and Ibrahim*)