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Dr. Joan Solanes Mullor, Associate Professor of Constitutional Law,
Pompeu Fabra University, Barcelona, 2026

Hypothetical Case 1: The "Crypto-Drop" Evidence

A prosecutor in Member State A obtains encrypted chat logs and localized GPS data via a European Investigation Order (EIO) from Member State B. Member State B's military intelligence agency originally collected this data via a mass trojan horse deployed across an entire encrypted application server, without individual judicial warrants.

Under Member State A's domestic code of criminal procedure, any wiretap or digital surveillance evidence gathered without an independent, individualized domestic judicial warrant is strictly inadmissible. The prosecution argues that under the principle of mutual trust, Member State A's courts have no right to question how Member State B gathered the intelligence. The defense files an urgent motion to suppress.

Questions

1. Reflect on the mutual trust principle: a domestic court should accept evidence gathered by another country, even if the gathering method is unconstitutional under your own laws?
2. What are the legal consequences fir a trial when prosecution authorities use cross-border cooperation mechanisms to intentionally bypass domestic judicial warrant requirements?
3. If an international cooperation directive does not explicitly mention an exclusionary rule, what legal basis can a judge use to suppress illegally obtained foreign data?

Hypothetical Case 2: The Blocked Transcription

Two female citizens of Member State X legally marry in Barcelona while living and working there for several years. Upon relocating back to Member State X, they request the local Civil Registry to transcribe their Spanish marriage certificate to secure joint tax filing status and reciprocal estate rights.

The Civil Registry flatly rejects the application, pointing to a domestic statute stating that marriages not recognized under the national civil code are contrary to domestic public policy (*ordre public*) and cannot be registered. The couple sues, invoking the direct effect of Articles 7 and 21 of the EU Charter of Fundamental Rights.

Questions

1. Where is the line between a state's sovereign right to define its own family laws and its obligation to respect a legal status that citizens lawfully acquired in another country?
2. If national law strictly forbids an administrative body from registering a foreign document, how can a national judge find the authority to ignore or override that domestic statute?
3. What specific practical and relational harms do individuals suffer when a legally recognized civil status vanishes simply by crossing an international border?

Hypothetical Case 3: The Stealth Relocation

A software developer is hired by a tech firm based in Member State Y. The employment contract contains a strict choice-of-law clause stating that the relationship is governed entirely by the laws of Member State Y (which features minimal statutory severance and weak unfair dismissal protections).

Over a three-year period, the developer works almost entirely from their home office in Member State Z. Recognizing this reality, the employer begins paying local social security contributions in Member State Z. Following a restructuring, the firm terminates the developer without notice—a practice completely legal under Member State Y's law but highly illegal under the mandatory labor laws of Member State Z. The employee sues in Member State Z, invoking Article 31 of the Charter.

Questions

1. When a hybrid or remote employee operates across borders, should a court prioritize the written choice-of-law text in the contract or the physical reality of where the work is actually performed?
2. Can a private corporation use a choice-of-law clause as a shield to insulate itself from the mandatory, protective labor standards of the country where its worker is physically based?
3. In a dispute between two purely private parties, how can an employee argue that supreme, overarching legal principles should directly invalidate a specific clause in their employment contract?