

Bernard Even

Violations of Fundamental Rights and Conflicts between National Law and Constitutional, EU, ECHR, and International Law

Dr Bernard Even

Summary

1. Preamble: „The Review of Constitutionality in Europe: a global overview”.

An then 4 categories of conflicts from 5 examples.

2. Relationship between the Review of Constitutionality and the principle of primacy of EU Law: 2 cases from the ECJ, the first one French and the second Austrian:

2.1. ECJ, 22 June 2010, C-188/10 and C-189/10, Aziz Melki and Sélim Abdeli.

2.2. ECJ, 11 September 2014, C-112/13, A v B and Others.

3. The legal value of a EU directive in national law before the expiry of the transposition deadline: ECJ, 22 November 2005, Mangold v Helm, C-144/04.

4. A conflict between Domestic Law and the ECHR: Mennesson / France, 26 June 2014, n° 65192/11.

5. A conflict between Domestic Law and a Customary international law: Assembly of the French Council of State, 6 June 1997, Aquarone, n° 148683.

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