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## Federalist and Antifederalist Forces in the Multilevel System of Human Rights Protection in Europe

- I. Federalist and Antifederalist Forces in Multilevel Systems of Government Who Has the Final Say on Human Rights?
- II. Multiple Levels of Human Rights Protection in Europe Principles of Subsidiarity and Minimum Standards (Favourability)
- III. Conflicts between the National and Supranational (EU) Levels of Human Rights Protection and the Respective Courts
  - 1. Conflicts on Art. 51 (1) CFR Concerning Member States' Obligations under the Charter
  - 2. Art. 53 CFR and the Melloni Case of the CJEU
  - 3. National Constitutional Identity Deploying the "Nuclear Device" of Art. 4 (2) TEU in Human Rights Cases
    - a) Balancing Art. 4 (2) and Art. 4 (3) TEU
    - b) Unilateral "Identity Review" by the German Federal Constitutional Court
    - c) Cooperative Approach of the Italian Constitutional Court in the M.A.S. Case
    - d) Open Defiance by the Danish Supreme Court in the Ajos Case
    - e) National Courts' Human Rights Assertiveness Where Will the CJEU Draw the Line?
- IV. Conflicts between the Supranational (EU) and the Regional-International (ECHR) Levels of Human Rights Protection and the Respective Courts
  - 1. Human Rights Federalism Arguments in the CJEU Opinion Killing the Draft Accession Agreement
    - a) Fundamental Mistake of the Agreement: Failure to Protect Autonomy of EU Human Rights Law and the Final Say of CJEU
    - b) Lack of Coordination between Art. 53 ECHR and Art. 53 CFR
    - c) Principle of Mutual Trust between the Member States Jeopardised
    - d) CJEU's Dispute Resolution Monopoly under Art. 344 TFEU Affected
  - 2. Will the CJEU's Assertiveness Do a Disservice to Human Rights Protection?
- V. Conclusion: Joint Endeavour to Synthesise Elements of Unity and Disunity in Multilevel Systems of Human Rights Protection