

### **Case C-399/11 Stefano Melloni, judgment of 26 February 2013**

**Facts:** The applicant had been convicted in absentia even though he had legal representation. Italian authorities issued a European Arrest Warrant and he was arrested in Spain. The applicant contended that being convicted *in absentia* infringed his right to a fair trial, as he was precluded under Italian law from appealing, and this was against Spanish constitutional law.

**Held:** Art. 53 of Charter provides that nothing therein can be interpreted as restricting or adversely affecting human rights as guaranteed by national constitutions. It is settled case law that, by virtue of the principle of primacy of EU law, which is an essential feature of EU legal order, rules of national law, even of a constitutional order, cannot be allowed to undermine the effectiveness of EU law. National authorities remain free to apply national standards of protection of fundamental rights subject to the provisos that the level of protection provided for by the Charter and the primacy, unity, and effectiveness of EU law are not thereby compromised. As such, national courts are prevented from imposing their own constitutional standards if doing so would impact on the uniformity of EU law.