



EU LAW IN THE MEMBER STATES

Central European Judges Under the European Influence

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**Astrid Lorenz, Lisa H. Anders, Dietmar
Müller, Jan Némec**



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Domestic Judicial Treatment of European Court of Human Rights Case Law David Kosař, Jan Petrov, Katarína Šipulová, Hubert Smekal, Ladislav Vyhnánek, Jozef Janovský, 2020-02-28 The European Court of Human Rights ECtHR suffers from the burgeoning caseload and challenges to its authority This two pronged crisis undermines the ECtHR s legitimacy and consequently the functioning of the whole European human rights regime Domestic courts can serve as welcome allies of the Strasbourg Court They have a potential to diffuse Convention norms domestically and therefore prevent and filter many potential human rights violations Yet we know very little about how domestic courts actually treat the Strasbourg Court s rulings This book brings unique empirical findings on how often how and with what consequences domestic judges work with the ECtHR s case law It moves beyond the narrow concept of compliance and develops a new three level methodology for analysing the role played by domestic courts in the implementation of ECtHR case law Moreover using the example of Czechia it shifts the attention from Western countries to a more volatile Central and Eastern European region which has recently witnessed democratic backsliding and backlash against international checks on human rights and the rule of law standards Looking at a wider social and legal context this book identifies factors helping transitional countries to adapt to regional human rights regimes The work will be an essential resource for students academics and policy makers working in the areas of Constitutional law Politics and Human Rights law Its global appeal is enhanced by the methodological framework which is applicable in other international systems

Narrating the Rule of Law Astrid Lorenz, Lisa H. Anders, Dietmar Müller, Jan Némec, 2024-10-14 This open access book deals with the backsliding of the rule of law in Poland and Hungary as one of the main problems of the EU What began as a national phenomenon has become a general threat for the EU because the respect for the rule of law is a prerequisite for all other values of the EU enshrined in Article 2 of the Treaty on European Union Media coverage and scholarly publications on these developments mainly focus on backsliding governments and judicial decisions concerning the issue This book aims to inform the debate by adding another perspective and providing a broader view Drawing on a comprehensive collection of parliamentary debates we explore how MPs in Poland Hungary but also the Czech Republic Slovakia and Romania referred to the rule of law from 1990 to 2021 and how their narratives differed across parties countries and time

The Impact of European Institutions on the Rule of Law and Democracy Matej Avbelj, Jernej Letnar Cernic, 2020-04-30 Since 2010 the European Union has been plagued by crises of democracy and the rule of law which have been spreading from Central and Eastern Europe CEE catching many by surprise This book argues that the professed success of the 2004 big bang enlargement mirrored the Potemkin villages erected in the new Member States on their accession to Europe Slovenia is a prime example Since its independence and throughout the accession process Slovenia has been portrayed as the poster child of the New Europe This book claims that the widely shared narrative of the Slovenian EU dream is a myth In many ways Slovenia has fared even worse than its contemporary

constitutionally backsliding CEE counterparts The book's discussion of the depth and breadth of the democratic crises in Slovenia should contribute to a critical intellectual awakening and better comprehension of the real causes of the present crises across the other CEE Member States which threaten the viability of the EU and Council of Europe projects It is only on the basis of this improved understanding that the crises can be appropriately addressed at national transnational and supranational levels

National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law Anneli Albi, Samo Bardutzky, 2019-05-29 This two volume book published open access brings together leading scholars of constitutional law from twenty nine European countries to revisit the role of national constitutions at a time when decision making has increasingly shifted to the European and transnational level It offers important insights into three areas First it explores how constitutions reflect the transfer of powers from domestic to European and global institutions Secondly it revisits substantive constitutional values such as the protection of constitutional rights the rule of law democratic participation and constitutional review along with constitutional court judgments that tackle the protection of these rights and values in the transnational context e g with regard to the Data Retention Directive the European Arrest Warrant the ESM Treaty and EU and IMF austerity measures The responsiveness of the ECJ regarding the above rights and values along with the standard of protection is also assessed Thirdly challenges in the context of global governance in relation to judicial review democratic control and accountability are examined On a broader level the contributors were also invited to reflect on what has increasingly been described as the erosion or twilight of constitutionalism or a shift to a thin version of the rule of law democracy and judicial review in the context of Europeanisation and globalisation processes The national reports are complemented by a separately published comparative study which identifies a number of broader trends and challenges that are shared across several Member States and warrant wider discussion The research for this publication and the comparative study were carried out within the framework of the ERC funded project The Role and Future of National Constitutions in European and Global Governance The book is aimed at scholars researchers judges and legal advisors working on the interface between national constitutional law and EU and transnational law The extradition cases are also of interest to scholars and practitioners in the field of criminal law Anneli Albi is Professor of European Law at the University of Kent United Kingdom Samo Bardutzky is Assistant Professor of Constitutional Law at the University of Ljubljana Slovenia

Transnational Law & Contemporary Problems, 2009 *Global Issues in Legal Ethics* James E. Moliterno, George C. Harris, 2007 This book is designed to facilitate the introduction of international transnational and comparative law issues into a course on Professional Responsibility The book is very accessible for law students and their professors The chapters can be used in any combination and in any order The book can be assigned or recommended as optional reading to supplement a domestic only course to advance the students understanding of their own system

West Virginia Law Review, 2009

Defence and Security Sector Governance and Reform in South East Europe Eden Cole, 2005 This volume analyzes

the Stability Pact South East Europe Self Assessment Studies with the three fold aim of enhancing the relevance of the original papers examining their findings for the benefit of local national regional and international decision makers and preparing the ground for a possible more comprehensive phase of the Stock Taking Programme Western and regional contributors were asked to assess the quality of the papers address any omissions add contextual information they perceived to be relevant and on the basis of those findings make constructive suggestions and recommendations for enhanced international institutional engagement in the region Three types of analyses were commissioned analyses of the self assessment papers by country region wide analyses of the topical papers and a conclusive chapter surveying not only the self assessment papers in the original volumes but also the thematic and national analyses in this volume data from the Swiss MFA Stability Pact mandated Expert Formation and Transparency in Defence Programmes studies *Ownership Process in Bosnia and Herzegovina* Christophe Solioz, Svebor Dizdarevic, 2003 *Access to European Justice for Environmental Civil Society Organizations* Inga Immel, 2011 This book examines in line with the demands of the Aarhus Convention the participation opportunities for civil society organizations in the area of environmental protection at the European Union EU Institutions throughout the policy cycle as a whole The study aims at alleviating the paradox that arises in litigation in environmental matters before the European Court of Justice For this purpose the current standing rules are assessed and potential reforms are discussed in detail Based on the rules existing in for instance the EU Member States and the USA the author formulates a proposal for a new article in the Statutes and Rules of Procedure of the European Court of Justice to allow for the submission of amicus curiae briefs

Democratic legitimacy of the European Union (EU). Actors, legal-institutional structures and processes Ibrahim Bekmezci, 2022-03-16 Essay from the year 2022 in the subject Law European and International Law Intellectual Properties language English abstract The main questions of this study are What is the EU actually how does the EU system work at all and which goals and values is the EU pursuing How is the EU institutionally structured and who are the main actors in the EU How does the EU make decisions how does it act and how is the EU democratic Corona the rule of law migration the economy relations with the USA and China The European Union EU which is far from always being united itself faces a multitude of challenges The EU is often criticized in the system of international relations for showing a democratic deficit In this essay the foundations institutions and procedures of the EU system are discussed with a view to the central question of whether this criticism is correct and whether there are ways to give it democratic legitimacy or to increase it In view of the initial questions the fundamentals central institutions and procedures of the EU are discussed within the scope of the present study to better understand the complex relationships and the controversial position This makes it possible to find answers to important problem areas about the democratic legitimacy of the EU The aim is to make an objective and scientific as possible contribution to the debate on the EU Project whose finality is unknown

Bank of Japan Monetary and Economic Studies, 2005 [Commentary on the UNIDROIT](#)

Principles of International Commercial Contracts (PICC) Stefan Vogenauer, Jan Kleinheisterkamp, 2009 The UNIDROIT Principles of International Commercial Contracts are the result of the ambitious quest for codifying the lex mercatoria i.e. those unwritten rules of the game by which merchants presumably have always understood to do international business. Since the publication of their first version in 1994 the UNIDROIT Principles have had an impressive success. They have become a serious alternative to national contract laws in international disputes decided by arbitral tribunals such as those administered by the International Chamber of Commerce (ICC). At the same time they have been accepted as a model for reforming the laws on international contract as recently Russia, Lithuania and China. With the publication of a new version of the Principles in 2004 this first phase of codifying international contract law is now considered to be finished. While there is much writing about the theoretic legal nature and the practical applicability of the Principles there is hardly any research on their substance meaning their substantive rules on contracts. This book fills this gap. A comprehensive analysis of each provision of the Principles allows a better understanding of the rules governing international contracts. In short this book contributes to make the application of the Principles more predictable and thus more efficient. **Monetary and Economic Studies**, 2005 **Central America Newpak**, 1997 *PAIS International in Print* Catherine Korvin, 2003-05 This book contains bibliographic references with abstracts and subject headings to public and social policy literature and to world politics published in print and electronic formats international focus The Case Law of Central and Eastern Europe Stefan Messmann, 2009 The European Parliament, Second Edition David Judge, David Earnshaw, 2008-11-13 The revised and updated 2nd edition of this broad ranging text examines the political dynamic of the European Parliament within the EU and sets it in the broader context of comparative legislative analysis. The authors examine its significance in the debates surrounding the democracy, legitimacy and parliamentarization of the European Union. *The Farmers' Advocate and Home Magazine*, 1908 Leslie's Illustrated Weekly Newspaper, 1917

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