

Enhanced Cooperation in the EU

Abstract

Enhanced cooperation has been a widely discussed in the context of the further possible development of the European integration and its direction. It represents a mechanism which introduces elements of flexible integration into the EU law.

This thesis aims to provide a complete view of the process of enhanced cooperation. The first part focuses on the definition of flexibility and its theoretical concepts. The following parts of the thesis are then fully focused on enhanced cooperation as a specific legal instrument regulated by the Treaties. First of all, it mentions its historical development from the Treaty of Amsterdam to the Treaty of Lisbon and the changes it has undergone. After that there is the analysis of the legal provisions on enhanced cooperation itself. It discusses the whole process of establishing enhanced cooperation and the conditions necessary for that. There are also discussed special rules for activation of enhanced cooperation in the area of the common foreign and security policy and the police and judicial cooperation in criminal matters. Furthermore, a substantial part of the work is devoted to the application of enhanced cooperation in practice. Five cases of enhanced cooperation established so far are analysed in that part. In each case, the development leading to the decision to apply enhanced cooperation is analysed, followed by the analysis of the subsequent process of authorising enhanced cooperation and the Commission's assessment of conditions, and as the case may be the further development. This part also discusses two existing judgments of the Court of Justice of the EU which dealt with actions for annulment of decisions authorizing enhanced cooperation. The last part is devoted to the evaluation of the legal instrument of enhanced cooperation. It includes the reflection on the suitability of the enhanced cooperation provisions, evaluates and classifies particular cases of the use of enhanced cooperation in practice and reflects on what enhanced cooperation can mean for the further integration of the EU.