

Abstract

The objective of the master thesis Replacement of directives by regulations on the example of personal data protection legislation in the EU is to describe the process of simplification of EU legislation based on the study of relevant political and legislative texts, especially with emphasis on the process of replacing directives by regulations. The first part of the master thesis focuses on the development of the process of simplification of the EU acquis, and then on the analysis of regulations that have been adopted since the late 1980s, and which partially or completely replaced the regulation contained in the directives. Based on the analysis of the proposals and the preambles to the adopted regulations, the reasons for the replacement were subsequently specified. The reasons are further categorized and described. The main research question in this part of the master thesis was to determine whether the replacement of directives by regulations is an appropriate tool used to simplify European Union legislation, whether it eliminates problems that may arise during the implementation of directives governing the issue and what are the main reasons that are specified by the EU legislators as a justification for the adoption of a new replacement legislation. In the second part, the master thesis focuses on a specific case in which there was a complete replacement of the directive by a regulation, and that is the right to personal data protection in the European Union. This section describes the historical development of personal data protection in the European Union, the process of adopting Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and on the repeal of the Directive 95/46 / EC (General Data Protection Regulation) followed by a detailed analysis of the directive elements in the adopted regulation. The individual provisions containing directive elements are further divided into three main categories according to the extent to which the adoption of accompanying legislation by the Member States is required. Subsequently, the provisions in the individual categories are described in more detail on the examples of adaptation legislation in the Czech Republic.

Key words: EU law, Simplification, Replacement, GDPR, Directive elements within regulations