

The Principle of Ensuring Effective Judicial Protection by Member States in the Context of the Current Case Law of the CJEU

Abstract in English

This diploma thesis named *The Principle of Ensuring Effective Judicial Protection by Member States in the Context of the Current Case Law of the CJEU*, deals with the manifestations of this principle in the case law of the Court of Justice, especially with regard to its horizontal dimension which is related to the ongoing judicial reforms in Poland. The objectives of the thesis are to analyse and evaluate the principle of ensuring effective judicial protection, to compare it with the principle of national procedural autonomy and, through the analysis of three recent decisions of the Court of Justice, to identify a new direction in the case law of the Court of Justice after the *ASJP* decision.

The thesis is divided into two parts - theoretical and practical. In the theoretical part, I place the principle of ensuring effective judicial protection by Member States in the broader context of EU law as a general principle of EU law and thus part of primary law. Then I discuss the principle in detail, in particular exploring its definition in the Treaties and in the case law of the Court of Justice, analysing its content and briefly discussing the consequences of its breach by the Member States. I then compare the principle with the principle of national procedural autonomy in line with the objectives of the thesis and examine whether there is any overlap.

In the practical part, I analyse the recent case law of the Court of Justice and, in line with the objectives of the thesis, I look for impact of the *ASJP* decision and whether it set a new direction for the case law of the Court of Justice. I analyse three recent decisions that I consider pivotal - the aforementioned *ASJP*, *LM*, and *Commission v Poland*. For each of the decisions analysed I discuss the facts, the parties' arguments, the Advocate General's opinion, and the own assessment of the Court of Justice. I then address the comments of the professional community on the decision. A common theme in the selected decisions is the emphasis on the principle of ensuring effective judicial protection as part of the rule of law, in particular through the obligation to ensure the independence of judges. In the conclusion of the analysis of these decisions, I write that the *ASJP* decision has indeed influenced the case law of the Court of Justice to such an extent that it can be described as a seminal and landmark decision.

Key words: Court of Justice of the European Union, Principle of Effective Judicial Protection, Rule of Law.