

The Emergence of Supranationality through the Procedure on Preliminary Questions

Summary:

The purpose of my thesis is to analyse the Emergence of Supranationality in the European Union. The reason of the thesis is to show the influence of the Procedure on Preliminary Questions before the European Court of Justice on the European integration and the main aim of this paper is to verify the hypothesis that the Procedure on Preliminary Questions before European Court of Justice emerges the Supranational paradigm of integration.

The whole thesis is composed of introduction, six main chapters and conclusion. Each of the main chapters is divided into several subchapters and deals with different aspects of the whole topic. The first three chapters are more theoretical, they define basic terminology used in the thesis such as the Procedure on Preliminary Questions (its course, purpose and functions), the European Court of Justice and its position in the European Union or the two main theoretical approaches to the integration (supranational and intergovernmental paradigm).

In Chapter IV, there are analysed two important decisions of European Court of Justice from the field of third pillar (*C-105/03 Criminal Proceeding against Maria Pupino* and *C-303/05 Advocaten voor de Wereld*). Through the detailed analyses of the decisions, I tried to confirm and verify the hypothesis that the Procedure on Preliminary Questions before European Court of Justice emerges the Supranational paradigm of integration. I analysed each of the decisions and I focused on the course of the proceeding before ECJ and mainly on the importance of the decision for the future development of European Union. I always stressed the new principles that the ECJ wanted to enforce through the proceeding.

Chapter V is more theoretical and deals with the problem of framework decisions, its legal nature and its relation to international law.

In Chapter VI, it was my goal to sum up the possibilities of the future development of the EC law and the law of third pillar with regard to the validity of Lisbon Treaty. There are two main ways how the whole problem can be treated. The first one solution would mean a rigid differentiation between the first pillar and the both rest pillars but as I explain in the thesis, I don't consider this solution as a realistic one for the future. The second solution would mean that the pillars will come closer to each other and there will be used similar

principles in the pillars, as well. In other words, the third pillar will be slowly communitarized by the means of ECJ. This is what I consider very realistic to the future.

Anyway, the final solution in the Lisbon Treaty corresponds to this development because the “pillar construction” of European Union has been canceled and the third pillar has completely diminished. The institutional balance and functioning of the area of police and judicial cooperation in criminal matters has been transformed and will be governed mostly by supranational principles, rules and mechanism.