

The diploma thesis „The Relationship between the EU Law and Czech Legal Order with the Focus on the Principle of Supremacy“ analyzes the Czech Constitutional Court’s decisions dealing with relationship between the Czech legal order and EU law. The principle of EU law supremacy is emphasised, particularly its impact on the Czech legal order and the Constitution itself. The main question answered in the thesis is whether the Constitutional Court accepted unconditionally the supremacy of EU law over the Czech law as well as over its constitutional rules, and if not, what are the limits to the application of this principle.

The first part of the thesis is focused on the determination of the principle of supremacy of the European Community law over national law as it was laid down by decisions of the European Court of Justice in the 1960s and 1970s. The thesis also briefly describes the attitude of Members States whose national courts do mostly apply Community law in the way instructed by the ECJ. Nevertheless, they have not accepted the supremacy unconditionally.

The fundamental part of this thesis explores judgments of the Czech Constitutional Court dealing with relationship of the EU law and legal order of the Czech Republic. The thesis analyzes above all the judgements Pl. ÚS 50/04 (sugar quotas), Pl. ÚS 66/04 (European Arrest Warrant), Pl. ÚS 19/08 (Lisbon Treaty I), and Pl. ÚS 29/09 (Lisbon Treaty II). It offers the analysis of limits to the transfer of sovereign powers of the Czech Republic to the EU, conditions for applicability of the supremacy of EU law over the Czech Constitution, as well as the analysis of issues concerning limitation or even loss of the sovereignty of the Czech Republic resulting from the transfer of powers to the EU. The attitude of the Constitutiona Court of the Czech Republic is often compared to the “european” doctrine of the German Federal Constitutional Court.