

Abstract

Despite the fact that the European Communities were build more than 50 years ago mainly as the economic organizations they, from the very beginning of their establishment, started developing as the rule of law communities. That process of transforming of European Communities into the rule of law communities has been strongly supported by the Court of Justice and its canons of interpretation to the founding treaties. The Court of Justice quite discreetly complemented the texts of the Treaties by such a way which had strengthened European integration through law. Consequently its influence to the Community law the Court of Justice commenced being compared with a position of constitutional courts of the Member states. However, that development has been immediately followed by the reactions of some constitutional courts of the Member states. It has given rise to the natural tension between them and the Court of Justice which lasts till now but without a negative implication to the process of European integration. On the contrary, that state of mutual tension has supported further advancement. For that reason the first part of my thesis is devoted to this progress of reciprocal relations between the Court of Justice and constitutional courts of the Member states.

The second and the third part of my dissertation deals with the approach of the constitutional courts of the two new Member states, the Czech republic and the Slovak republic to the Community law and how they shape their relations to the Court of Justice. Through an analysis of their decisions which have had as a subject-matter so called "community element" I would like to obtain the answer to the question if those two constitutional courts have been inspired by experience and decision making activity of the constitutional courts of the "old timer" Member states or whether they have decided for their own way how to handle the cases with the community elements and at the same time how to define their fundamental positions in that struggle for efficient and European constitutional judiciary.