

Abstract

The thesis is focused on examination of issues of legitimacy of the Court of Justice of the European Union. The problem is perceived in the context of the growing importance of the judiciary both at national and international levels.

Judges are increasingly forced by circumstances to shape law. Their role in the system of bodies of states and international organisations is thus changed. The courts of the highest instance in particular become political actors. Traditional (functional) conception of their legitimacy, based on the requirements of professional credit, independence and impartiality, is then shown to be insufficient and must be supplemented by democratic legitimacy and proven existence of the legitimizing chain. Due to growing influence of international courts of justice this problem is projected to the international level.

In the case of the Court of Justice of the European Union the whole problem is even more intense for its supranational character and influence, which it acquires consequently. It should therefore be at the forefront of efforts to improve the legitimacy of the international judiciary. The current situation however does not really correspond to it.

Improvements in the appointment of Judges and Advocates-General were therefore proposed. Larger involvement of the European Parliament and expert bodies in the process of selection was in particular suggested. Measures to improve transparency of the whole process were also proposed.

Attention was also focused on the relationship of European and national judiciaries. Long term acceptance of the jurisprudence of the Court of Justice of the European

Union by national judiciaries can also be considered as its source of legitimacy. Measures to improve their harmonious coexistence were therefore proposed.