

## **Abstrakt v anglickém jazyce – English abstract**

### ***Protection of Right to Fair Trial in Relation to Preliminary Ruling Proceedings***

Right to fair trial is one of fundamental human rights, which enables individuals to effectively invoke their rights and freedoms before a lawful, impartial and independent court. In Europe, the protection of this right is guaranteed at a multi-layer level, whose layers interact: first layer is formed by constitutional orders of individual States, second layer by institutions of European Union, in particular the Court of Justice of the European Union, and a third one, that of the European Court for Human Rights.

In the European Union, the Treaties have introduced the mechanism of preliminary ruling with the aim of preserving unity within the Union and of ensuring coherent interpretation and application of European law by the courts of the Member States. Preliminary ruling proceedings ensure effective cooperation between national courts and the Court of Justice of the European Union. Art. 267 TFEU provides for an obligation to request a preliminary ruling for national courts of last instance (if none of the *CILFIT* case law conditions is met). Breach of this obligation may entail violation of right to fair trial at all three layers of human rights protection in Europe. Each European jurisdiction defines its own conditions relating to such violation, which are not identical. The same is valid for doctrines established on this subject by constitutional courts of the Member States, if we compare constitutional case law of selected Member States, in particular Germany, Spain or Czech Republic.

Issues concerning the protection of right to fair trial in relation to preliminary ruling proceedings form part of the uneasy coexistence of the Court of Justice of the EU and constitutional courts and different conceptions of relationship of European and constitutional law from, respectively, European and constitutional perspective. In this context, a growing willingness on the constitutional courts' part to cooperate with the Court of Justice of the EU by means of preliminary ruling demonstrates the europeanisation of the legal orders of the Member States, including the constitutional law.