

CONSTITUTIONAL REVIEW OF THE LIMITS OF POWERS OF THE EU IN THE CR  
AND GERMANY  
(THE LISBON TREATY AND FURTHER DEVELOPMENT)

The purpose of the thesis is to analyze the case-law of the Constitutional Court of the Czech Republic and the Federal Constitutional Court of Germany relevant to the question of the relationship between Union law and national law, paying attention especially to the problematic area of ultra vires review claims, ie to the right of the constitutional court of a Member State to take the final decision whether an act of any European institution exceeds powers that have been transferred from the Member States to the EU according to the Treaties. The thesis consists beside introduction and conclusion of four chapters. Chapter one introduces the key provisions of the national constitutions both in Germany and in the Czech Republic, which allow to the Member States to delegate some of their sovereign powers to the EU. Chapter two deals with earlier decisions of both constitutional courts regarding the matter of EU law (before the Lisbon judgement) and points out the leading premises which were most important for the future development of the case-law on relationship between Union law and national law. Chapter three provides an analysis of three judgements on the Treaty of Lisbon (the Lisbon judgement of the Federal Constitutional Court „Lissabon-Urteil“ a two judgements of the Czech Constitutional Court „Lisabon I“ and „Lisabon II“). This gives a comparison between the case-law of both constitutional courts on this topic describing procedural as well as material questions. The fourth and last chapter focuses on the doctrine of ultra vires review as it is presented in the judgements on the Lisbon Treaty and in the following case-law dealing with possible exercise of the control powers of the constitutional courts. The thesis findings show that the claimed right to review whether an act of the EU institution exceeds the powers transferred to the EU is not conform with the Treaties and the eventual rejection to the application of that act could be subject to the proceedings for failure to fulfil obligations before the Court of Justice of the European Union.