

Evropské právo

EVS450 EU a LP

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ARTICLE 14

ECHR

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

ARTICLE 2

ECHR – Prot. 1

Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

ARTICLE 9

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.



Joseph H. H. WEILER

EU Law

- Primary law
 - Treaties (IL)
- Secondary law
 - Directives
 - Regulations
 - Decisions
 - Opinions
 - Recommendations

A court in a SN organization

- infringement proceedings (**enforcing** the law)
- actions for annulment (**annulling** EU legal acts)
- actions for failure to act (**ensuring** the EU takes **action**)
- preliminary rulings (**interpreting** the law)
- actions for damages (**sanctioning EU** institutions)

Soudní dvůr

- Přímý účinek – *Van Gend en Loos*
- Přednost – *Costa v ENEL*
- Kompetence

308 SES x 352 SFEU

Ukáže-li se, že k dosažení některého z cílů Společenství v rámci společného trhu je nezbytná určitá činnost Společenství, a tato smlouva mu k tomu neposkytuje nezbytné pravomoci, přijme Rada na návrh Komise a po konzultaci s Evropským parlamentem jednomyslně vhodná opatření.

XXX

Ukáže-li se, že k dosažení některého z cílů stanovených Smlouvami je nezbytná určitá činnost Unie v rámci politik vymezených Smlouvami, které však k této činnosti neposkytují nezbytné pravomoci, přijme Rada na návrh Komise jednomyslně po obdržení souhlasu Evropského parlamentu vhodná ustanovení.

Article 352 (ex Article 308 TEC)

1. If action by the Union should prove necessary, within the framework of the policies defined in the Treaties, to attain one of the objectives set out in the Treaties, and the Treaties have not provided the necessary powers, the Council, acting unanimously on a proposal from the Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures. Where the measures in question are adopted by the Council in accordance with a special legislative procedure, it shall also act unanimously on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. Using the procedure for monitoring the subsidiarity principle referred to in Article 5(3) of the Treaty on European Union, the Commission shall draw national Parliaments' attention to proposals based on this Article.

3. Measures based on this Article shall not entail harmonisation of Member States' laws or regulations in cases where the Treaties exclude such harmonisation.

4. This Article cannot serve as a basis for attaining objectives pertaining to the common foreign and security policy and any acts adopted pursuant to this Article shall respect the limits set out in Article 40, second paragraph, of the Treaty on European Union.