

Mezinárodní instituce

**EU: sui generis
mezinárodní
instituce**

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Osnova

- 1) **Charakteristika ES/EU**
- 2) **Paradigmata integrace**
- 3) **Právní teorie integrace**
- 4) **Internacionalismus v. evropský konstitucionalismus**
- 5) **Praktické aspekty fungování EU**

Charakteristika ES/EU – srovnání s mezinárodními mezinárodními organizacemi

Definice:

a) Clive Archer (International Organizations):

- formal and continuous international structure founded on the agreement achieved by the sovereign states and aimed at maintaining the common interest of the members

b) legal definition (art. 1, Annex IX. to the UN Convention on the Law of the Sea):

- intergovernmental organization constituted by States to which its member States have transferred competence over matters governed by this Convention, including the competence to enter into treaties in respect of those matters

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Features:

- a) Contractual-based (statute with the character of international agreement signed by - at least - 2 states)
- b) Permanent seat
- c) Formal structure and its Bodies (bodies formulating the policy of the organisation itself: assemblies, conferences, councils, summits etc.; supervisory bodies: tribunals, committees etc.)

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- d) Membership – only states (principle of sovereign equality, voting equality: exceptions are the economic organizations with the vote weighting systems – Intl. Monetary Fund, World Trade Organisation, European Communities/Union)
- e) Common Aims – achievement of common interest in the given field
- f) Funding and Common Budget

Specifika ES/EU

EC/EU was founded by and is based on the international treaties that demand unanimous consent of all the member states

Member states delegated a part of its sovereignty (they gave up their domestic competences in favor of the EC/EU bodies

Contrasting the international organizations the delegated competences are realised jointly – the (legal) acts are passed in the system of majority voting, not unanimously (the member states lost the veto power) – it is preserved only in the spheres of common foreign policy and cooperation in the judicial and criminal matters (the so-called second and third pillar of the EU)

Specifika ES/EU

the EC legal acts unlike the acts of international organisations are directly applicable and superior to the domestic law

the institutional structure resembles the intra-state system of checks and balances between the executive, legislative and judicial powers: Commission – Council of Ministers – Parliament – Court of Justice

the role of ECJ as a „constitutional court“ – it articulated the fundamental principles of EC law as a supranational legal order

Paradigmata integrace

- viz prezentaci „European Constitutionalism“